

# JOURNAL OF THE SENATE

Friday, May 1, 1970

The Senate was called to order by the President at 8:30 a.m. for the purpose of conducting the order of business of Introduction and reference of Resolutions, Memorials, Bills and Joint Resolutions, pursuant to Rule 4.3.

## INTRODUCTION

By Senator Friday—

**SB 1021**—A bill to be entitled An act relating to water and sewer districts; amending section 153.53, Florida Statutes, and by adding new subsections to provide an alternative method of establishing water and sewer districts by petition of the property owners within the proposed district; authorizing the same alternative procedure for establishing drainage and road districts; providing for the combining of any contiguous water and sewer, drainage or road districts; providing an effective date.

Was read the first time by title and referred to the Committee on Governmental Organization.

By Senator Friday—

**SB 1022**—A bill to be entitled An act relating to sheriffs; amending section 30.31 (1), Florida Statutes; providing for the fingerprinting of all persons booked or incarcerated for misdemeanor crimes; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary.

By Senator Barrow—

**SB 1023**—A bill to be entitled An act relating to the purchase and sale of beverages by licensed clubs; amending section 569.03, Florida Statutes, to delete the words "nor smaller than one-fifth of one gallon"; amending section 569.04, Florida Statutes, to allow licensed clubs to sell individual drinks in miniature bottles of not more than two (2) ounces dispensed from mechanical dispensing devices; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce and Licensed Businesses.

By Senator Barrow—

**SB 1024**—A bill to be entitled An act relating to livestock marks and brands and cattle theft laws; amending section 534.081, Florida Statutes; authorizing appointment of investigators with power of arrest for violations of the marks and brands law and cattle theft laws on all premises, posted or otherwise; providing effective date.

Was read the first time by title and referred to the Committees on Agriculture and Judiciary.

By Senator Barrow—

**SB 1025**—A bill to be entitled An act relating to livestock marks and brands; amending section 534.041, Florida Statutes, to authorize cancellation of inactive marks and brands; providing effective date.

Was read the first time by title and referred to the Committee on Agriculture.

By Senators Boyd and Mathews—

**SB 1026**—A bill to be entitled An act relating to educational television, radio and other electronic media; providing for continued service; prescribing powers of the department of education; amending section 229.805, Florida Statutes; describing state board of education's rights of ownership; prescribing duties of the commissioner of education; creating an educational television advisory council; repealing section 240.042(o), Florida Statutes; providing an effective date.

Was read the first time by title and referred to the Committees on Education and Governmental Organization.

By Senator Lane—

**SB 1027**—A bill to be entitled An act relating to regulation of traffic on highways; amending paragraph (3)(b) of section 317.761, Florida Statutes; establishing maximum length of tour trains and similar operations; providing an effective date.

Was read the first time by title and referred to the Committee on Transportation.

By Senator Lane—

**SB 1028**—A bill to be entitled An act relating to bonefish; amending section 370.11(5), Florida Statutes, to restrict the sale, exchange, purchase and transportation of bonefish; providing an exception for taxidermy purposes; providing an effective date.

Was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator de la Parte—

**SB 1029**—A bill to be entitled An act relating to eminent domain, attorneys' fees; amending chapter 73, Florida Statutes, by adding section 73.092; prescribing a formula for determining a median amount; establishing criteria for adjusting such amount; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary.

By Senators Haverfield and de la Parte—

**SB 1030**—A bill to be entitled An act relating to the funding of the state and county retirement system; establishing legislative intent that local agencies covered under sections 122.32 and 122.321, Florida Statutes, shall incur no debt or cost for funding the state and county retirement system prior to July 1, 1969; providing for such local agencies to be responsible for the payment of social security and retirement matching costs as required by section 122.35, Florida Statutes, beginning July 1, 1969; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By Senator Stone—

**SB 1031**—A bill to be entitled An act relating to motor vehicles; amending section 317.501, Florida Statutes, by adding subsection (7), to require prescribed equipment for slow-moving vehicles; providing an effective date.

Was read the first time by title and referred to the Committee on Transportation.

By Senator Stone—

**SB 1032**—A bill to be entitled An act relating to tangible personal property owned by counties; amending section 274.02, Florida Statutes, to increase the value of exempt property to one hundred dollars (\$100); providing an effective date.

Was read the first time by title and referred to the Committee on Governmental Organization.

By Senator Reuter—

**SB 1033**—A bill to be entitled An act relating to blue crabs; amending Chapter 370, Florida Statutes, by adding section 370.133; prohibiting the taking of blue crabs of less than a certain size; prohibiting the taking of egg-bearing blue crabs; providing for venting blue crab traps; making violation a misdemeanor; providing an effective date.

Was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Reuter—

**SB 1034**—A bill to be entitled An act relating to the department of health and rehabilitative services, divisions of

youth services and retardation; amending section 959.13, Florida Statutes, as created by chapter 69-365, Laws of Florida; providing that a child committed to the division of youth services who is found by the division to require diagnosis and evaluation by the division of retardation may be transferred to the division of retardation for a period not to exceed ninety (90) days if advance permission is granted by the division of retardation and if space is available; providing an effective date.

Was read the first time by title and referred to the Committee on Health, Welfare, and Institutions.

By Senator Myers—

**SB 1035**—A bill to be entitled An act amending section 550.13, Florida Statutes; providing a ceiling and maximum amount on the moneys received by the state racing commission available for distribution to the several counties of the state; providing for the payment of the surplus of such moneys, after distribution, to the general revenue fund, without restriction on its use; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By Senators Boyd and Saylor—

**SB 1036**—A bill to be entitled An act relating to education; amending Section 236.07 (3)(b), Florida Statutes, deleting a continuing contract as a factor for allocation of salary funds under the Minimum Foundation Program in kindergartens and grades one (1) through twelve (12); providing an effective date.

Was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senators Saylor, Barron, Trask, Stolzenburg and Broxson—

**SB 1037**—A bill to be entitled An act relating to investments of domestic insurers; amending section 625.0102 (1), Florida Statutes, to permit acquisition of a security or investment entitled to receive dividends if and when declared and paid; amending section 625.0104(1)(c), Florida Statutes, to refer to investment in real estate for income and development; amending section 625.0104(2)(a), Florida Statutes, to permit investment in corporate stocks to a total of fifteen percent of insurers admitted assets, not more than ten percent of which may be in common stocks and to provide a method of valuation thereof; incorporating paragraph (b) in paragraph (a) of section 625.0104(2) and designating paragraph (c) as paragraph (b); amending section 625.0115, Florida Statutes, to permit investment in obligations of Asian development bank; amending section 625.0121, Florida Statutes, to permit investment in collateral loans with a maturity not in excess of twelve years and prohibiting renewal beyond a period of twelve years from the date of the loan; amending section 625.0123, Florida Statutes, to permit investment in common or preferred stock of corporations of foreign countries if such stock is listed and traded on a national securities exchange in the United States or approved by the commissioner; amending section 625.0124, Florida Statutes, by substantial rewording to allow investment in certain subsidiaries and related corporations; amending section 625.0129(1), Florida Statutes, to permit title insurers to invest fifty percent of surplus as regards policyholders in abstract plants; amending section 625.0133, Florida Statutes, to allow investments in real estate for income and development; amending section 625.0135, Florida Statutes, by substantial rewording to provide the total permissible investments in real estate shall not exceed twenty percent which amount cannot be increased by the commissioner; amending section 625.0136(1)(b), Florida Statutes, to except property eligible for investment under section 625.0133 from the requirements of section 625.0136; providing an effective date.

Was read the first time by title and referred to the Committee on Insurance.

By Senator Gong (By request)—

**SB 1038**—A bill to be entitled An act relating to private investigative agencies; including protection animals; defining repossession agency, reposessor, burglar or fire alarm agency; amending section 493.02, (1), Florida Statutes, to increase the civil penalty from one hundred dollars to one thousand dollars and add the newly defined agencies; amending section 493.05, Florida Statutes, to include the new classification of agencies;

amending section 493.06, Florida Statutes, to provide license fees for the new classification of licenses; adding a new subsection number (3) to section 493.08, Florida Statutes, to allow the secretary of state to refuse to issue a license to any person who previously has had a license and has had it revoked; amending subsection (4) of section 493.08, Florida Statutes, to prohibit any agency from hiring a person who has been denied a license for any reason other than residency or experience; amending section 493, Florida Statutes, by adding a new subsection allowing the secretary of state to apply directly to a circuit court for an injunction restraining unlawful conduct under the chapter; amending section 493.43, Florida Statutes, relating to detection of deception examiners to require that as an alternative a licensee may have had five years experience in law enforcement rather than as an investigator or detective.

Was read the first time by title and referred to the Committee on Judiciary.

By Senator Gong (By request)—

**SB 1039**—A bill to be entitled An act relating to private employment agencies; amending subsections (8) and (16) and adding subsection (17) to section 449.01, Florida Statutes, to delete requirement for agents' licenses and to create convalescent sitters' licenses; amending paragraphs (a) (b) (f) (h) and (i) and adding paragraph (j) to subsection (1), section 449.02, Florida Statutes, to provide for the assessment of a civil penalty in the amount of one thousand dollars (\$1,000); adding a section to chapter 449 codifying the requirements for application for licenses; amending section 449.021 to restate the qualifications for agency license; amending section 449.022, Florida Statutes, to include convalescent sitter agencies, to increase license fees and to provide for delinquent renewal; adding a section to chapter 449 providing certain responsibilities for licensees including the obtaining of a bond and the direct supervision of agencies; repealing section 449.023, Florida Statutes; amending section 449.024, Florida Statutes, to require a manager to have two years experience; amending section 449.025, Florida Statutes, to change the word "commission" to "secretary"; amending section 449.03 to change the word "commission" to "secretary"; amending 449.04 relating to the records to be kept; amending subsections (1) (2) (4) and (9) of section 449.05 relating to registration fees and refunds; amending subsections (3) and (4) of section 449.08 changing the word "commission" to "secretary"; amending subsection (1) of section 449.09 to change the word "commission" to "secretary"; amending section 449.13 to change the word "deputy commissioner" to "hearing examiner" and the word "commission" to "secretary"; amending section 449.14 changing the word "commission" to "secretary"; amending section 449.15 changing the word "commission" to "secretary"; providing an effective date.

Was read the first time by title and referred to the Committees on Commerce and Licensed Businesses and Judiciary.

By Senator Pope—

**SB 1040**—A bill to be entitled An act relating to motor carriers; amending section 323.29(4), Florida Statutes, by additionally exempting from those vehicles which are deemed as operating for compensation, motor vehicles owned or leased and used by an authorized manufacturer's dealer to transport heavy equipment such as tractors, wheel or track loaders, draglines, and cranes, or their engines and component parts, to and from his own garages and repair shops for servicing and repairs at the request of the owner; providing an effective date.

Was read the first time by title and referred to the Committee on Transportation.

By Senators Shevin and Myers—

**SB 1041**—A bill to be entitled An act relating to cancer research and services; authorizing the department of health and rehabilitative services to contract with Florida firms for such research and services; setting a limit on the annual amount of such contracts; providing an appropriation; providing an effective date.

Was read the first time by title and referred to the Committees on Health, Welfare, and Institutions and Ways and Means.

By Senator Chiles—

**SB 1042**—A bill to be entitled An act relating to the creation of State Recreation Areas; amending chapter 253, Florida Statutes, by adding section 253.76, to provide for public use of all land lying between the extreme low tide of the Atlantic Ocean, Gulf of Mexico, or Straits of Florida and the line of vegetation as defined in the act; providing definitions; declaring all public rights and easements in the land between the extreme low tide and the line of vegetation as vested exclusively in the state with the Board of Trustees of the Internal Improvement Fund as the agency responsible for the management and control of these lands; granting the Board of Trustees the power to regulate improvements upon such lands; exempting all applicable land from ad valorem taxation but not the improvements thereon; providing an effective date.

Was read the first time by title and referred to the Committees on Natural Resources and Conservation and Ways and Means.

By Senator Chiles—

**SB 1043**—A bill to be entitled An act relating to the department of education; providing a program for payment of pupil injury medical expenses and death benefits; providing recognition of safety programs; providing appropriation; providing an effective date.

Was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Chiles—

**SB 1044**—A bill to be entitled An act amending Section 403.061 (25), Florida Statutes, to authorize the Florida Air and Water Pollution Control Commission to adopt, modify, and repeal rules governing the sale and use of phosphorus and polyphosphates in detergents; providing that no rule prohibiting the sale or use of detergents containing phosphorus or polyphosphates shall become effective before December 31, 1971.

Was read the first time by title and referred to the Committee on Commerce and Licensed Businesses.

By Senator Chiles—

**SB 1045**—A bill to be entitled An act relating to corporations; amending section 608.14(2), Florida Statutes, to more clearly state that the board of directors or executive committee have the power to fix all of the characteristics of preferred or special stock; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary.

By Senator Bishop—

**SJR 1046**—A joint resolution proposing an amendment to Article VII, Section 6 of the State Constitution, relating to homestead exemption; providing procedure whereby the first two thousand dollars (\$2,000) of assessed valuation may be subjected to taxation in counties or municipalities upon approval in a local referendum.

Was read the first time by title and referred to the Committees on Constitutional Amendments and Revision and Ways and Means.

By Senator Knopke—

**SB 1047**—A bill to be entitled An act relating to flood control district; amending chapter 378, Florida Statutes, to provide flood control districts with the power and authority to establish, offer and issue rewards; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By Senator Thomas—

**SB 1048**—A bill to be entitled An act relating to shrimp preserves; amending sections 370.15(6), 370.151(5), (8), and 370.152(8), Florida Statutes, making unauthorized shrimping in closed areas therein described a felony; providing penalties; amending chapter 370, Florida Statutes, by adding section 370.153, providing for revocation of and ineligibility to apply

for a shrimp permit in the event of such unauthorized shrimping; providing an effective date.

Was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Haverfield—

**SB 1049**—A bill to be entitled An act relating to the state university system; authorizing the Florida board of regents to permit employees to take free courses of on-campus instruction; providing an effective date.

Was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Hollahan—

**SB 1050**—A bill to be entitled An act relating to milk and milk products defining "low fat creamed cottage cheese" by amending section 502.012, Florida Statutes, by adding subsection (49); providing effective date.

Was read the first time by title and referred to the Committees on Agriculture and Health, Welfare, and Institutions.

By Senator Hollahan—

**SB 1051**—A bill to be entitled An act relating to the highway patrol; amending section 321.19, Florida Statutes, by creating new subsection (4) and renumbering present subsection (4) as subsection (5); providing that disability or death from certain diseases or from non-negligent exposure shall be presumed to have been accidental and suffered in the line of duty; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

By Senator Thomas—

**SB 1052**—A bill to be entitled An act relating to sanitary sewage disposal facilities; requiring that future construction of any such facilities for sanitary sewage disposal provide for secondary waste treatment and in addition thereto, advanced waste treatment as deemed necessary by the department of air and water pollution control; requiring all existing facilities for sanitary sewage disposal to provide for secondary waste treatment and in addition thereto, advanced waste treatment as deemed necessary by the department of air and water pollution control, by January 3, 1974; providing a penalty; providing an effective date.

Was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senators Ott, Deeb, Knopke and Scarborough—

**SB 1053**—A bill to be entitled An act relating to purchase of insurance coverage on designated state property or certain insurable subjects in which the state has an interest; providing that certain properties or risks will not be insured; authorizing purchase of insurance and reinsurance on certain property or risks above specified limits; providing an effective date.

Was read the first time by title and referred to the Committee on Insurance.

By Senator Pope—

**SB 1054**—A bill to be entitled An act relating to the department of insurance; amending chapter 633, Florida Statutes, by adding section 633.082, providing that all public and private buildings four (4) stories or higher, and all schools and places of assembly be equipped with automatic sprinkler systems installed pursuant to standards set forth in the national fire protection association bulletin number thirteen, 1968 edition; providing an effective date.

Was read the first time by title and referred to the Committee on Insurance.

By Senator Pope—

**SB 1055**—A bill to be entitled An act relating to the Florida state fire college, amending and transferring subsection (14) of

section 20.18, Florida Statutes, to provide that the Florida state fire college shall be transferred to and shall be under the supervision and control of the department of insurance; providing an effective date.

Was read the first time by title and referred to the Committees on Insurance and Governmental Organization.

By Senator Pope—

**SB 1056**—A bill to be entitled An act relating to state and county officers and employees retirement; amending section 122.02(1), Florida Statutes, to include full-time officers or employees of fire control tax districts within the definition of state and county officers and employees; providing an effective date.

Was read the first time by title and referred to the Committee on Ways and Means.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable John E. Mathews, Jr.*  
*President of the Senate*

April 30, 1970

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Public Lands & Parks—

**CS for HB 3481**—A bill to be entitled An act relating to the board of trustees of the internal improvement trust fund; amending section 253.12 (1), Florida Statutes, as amended by chapter 69-308, Laws of Florida, providing for the administration of submerged lands in navigable meandered fresh water lakes; amending chapter 253, Florida Statutes, by adding section 253.151, establishing submerged lands in navigable meandered fresh water lakes as a separate class of sovereignty lands; directing the board to administer those lands in accordance with certain statutory procedures; declaring the rights of riparian owners and authorizing the issuance of certain permits by the board; authorizing the board to promulgate rules and regulations; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

CS for HB 3481, contained in the above message, was read the first time by title and referred to the Committee on Natural Resources and Conservation.

*The Honorable John E. Mathews, Jr.*  
*President of the Senate*

April 30, 1970

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Fleece—

**HB 196**—A bill to be entitled An act relating to motor vehicles; amending section 317.501, Florida Statutes, by adding subsection (7), to require prescribed equipment for slow-moving vehicles; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

HB 196, contained in the above message, was read the first time by title and referred to the Committee on Transportation.

*The Honorable John E. Mathews, Jr.*  
*President of the Senate*

April 30, 1970

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Dubbin—

**HB 3813**—A bill to be entitled An act to provide that each county, school district, municipality, special district and local governmental body of the state of Florida with taxing powers may in conjunction with a bond election held by it pursuant to the requirements of section 12 of Article VII of the Constitution of the State of Florida as revised in 1968 hold an additional bond election in which all qualified electors of such county, school district, municipality, special district or local governmental body shall be entitled to vote on the question of issuing such bonds; to provide that in the event the United States Supreme Court or the Florida Supreme Court shall declare said section 12 of Article VII to be in violation of the United States Constitution that bonds may be issued upon approval by majority vote of all qualified electors and voting freeholders in the separate freeholders election; providing for restrictions on the use of voting machines; and providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

HB 3813, contained in the above message, was read the first time by title. On motion by Senator Friday, the rules were waived and the bill was placed on the Calendar.

The Senate recessed at 8:40 a.m.

The Senate was called to order by the President at 9:00 a.m.  
A quorum present—45:

Mr. President	Deeb	Knopke	Slade
Askew	de la Parte	Lane	Stolzenburg
Bafalis	Ducker	Myers	Stone
Barron	Fincher	Ott	Thomas
Barrow	Friday	Plante	Trask
Beaufort	Gong	Pope	Weber
Bell	Gunter	Poston	Weissenborn
Bishop	Haverfield	Reuter	Williams
Boyd	Henderson	Saunders	Wilson
Broxson	Horne	Sayler	
Chiles	Johnson	Scarborough	
Daniel	Karl	Shevin	

Excused: Senators Hollahan and Young.

Prayer by Senator Haverfield:

Our Heavenly Father, we turn to thee for wisdom and for counsel. We know that through thy great mercy we are freed from the bondage of self-interest and through thee we are given an understanding heart. Save us from pride and arrogance, make us quick to see the needs of those less fortunate and to be resolute in our purpose to promote goodwill and fellowship among men. May we ever be mindful of the wants and needs of those we represent. We invoke thy divine guidance and ask that thee grant us the vision and strength to handle the enormity and complexity of the task before us. We ask thy blessings upon this body, and upon the leadership of our state and of our nation. In the name of our Lord. Amen.

The Journal of April 30 was corrected and approved.

#### REPORTS OF COMMITTEES

The Committee on Health, Welfare, and Institutions recommends the following pass: SB 670 with 1 amendment, SR 732 with 6 amendments

The Committee on Judiciary recommends the following pass:

SB 300 with 5 amendments	SB 158 with 4 amendments
SB 302 with 1 amendment	SB 278
SB 378 with 4 amendments	SB 152
SB 588 with 5 amendments	SB 328
SB 618 with 4 amendments	SB 374
SB 157 with 5 amendments	HB 443

The Committee on Governmental Organization recommends the following pass:

SB 780  
SB 539  
SB 461  
SJR 304 with 2 amendments  
SB 725 with 2 amendments

SB 494  
SB 786  
SB 105 with 3 amendments  
SB 106 with 4 amendments

The bills contained in the foregoing reports were placed on the Calendar.

The Committee on Health, Welfare, and Institutions recommends the following pass: SB 368

The Committee on Governmental Organization recommends the following pass:

SB 756  
SB 615  
SB 658 with 4 amendments

SB 757  
SB 775 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Governmental Organization recommends the following pass: Senate Bills 124 and 778

The bills were referred to the Committee on Commerce and Licensed Businesses under the original reference.

The Committee on Governmental Organization recommends the following pass: SB 563 with 4 amendments

The bill was referred to the Committee on Natural Resources and Conservation under the original reference.

The Committee on Health, Welfare, and Institutions recommends the following pass: SB 418 with 4 amendments

The bill was referred to the Committee on Judiciary under the original reference.

The Committee on Health, Welfare, and Institutions recommends the Committee Substitute recommended by the Committee on Agriculture for the following: SB 480 with 2 amendments

The Committee on Health, Welfare, and Institutions recommends a Committee Substitute for the following: SB 734 with 1 amendment

The Committee on Health, Welfare, and Institutions recommends the Committee Substitute recommended by the Committee on Agriculture for the following: SB 330

The Committee on Judiciary recommends a Committee Substitute for the following: SB 211

The Committee on Judiciary recommends a Committee Substitute for the following: SB 170

The Committee on Judiciary recommends a Committee Substitute for the following: SB 176

The bills with Committee Substitutes attached contained in the foregoing reports were placed on the Calendar.

The Committee on Health, Welfare, and Institutions recommends a Committee Substitute for the following: SB 748

The Committee on Health, Welfare, and Institutions recommends a Committee Substitute for the following: SB 66

The bills with Committee Substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Governmental Organization recommends a Committee Substitute for the following: SB 393 with 1 amendment

The bill with Committee Substitute attached was referred to the Committee on Commerce and Licensed Businesses under the original reference.

The Committee on Governmental Organization recommends the following not pass: SB 101

The Committee on Health, Welfare, and Institutions recommends the following not pass: SB 297

The bills contained in the foregoing reports were laid on the table.

#### REPORT OF THE COMMITTEE ON RULES AND CALENDAR

The Committee on Rules and Calendar referred the following bills to the Local Calendar: House Bills 4004 and 3838

#### BILLS REFERRED TO SUBCOMMITTEES

**Appropriations:** CS for SB 587 (14 days to report to the Committee on Ways and Means)

**Mental Health, Retardation, and Institutions:** SB 1034 (7 days to report to the Committee on Health, Welfare, and Institutions)

**Health and Welfare:** Senate Bills 991, 999, 1019, 1020 and 1041 (7 days to report to the Committee on Health, Welfare, and Institutions)

**Jurisprudence:** Senate Bills 1045, 1038 and 1029 (7 days to report to the Committee on Judiciary)

**Law and Order:** SB 1022 (7 days to report to the Committee on Judiciary)

#### ENGROSSING REPORT

Your Engrossing Clerk to whom was referred—

SB 29 with 1 amendment  
SCR 814 with 1 amendment

SJR 557 with 5 amendments

—reports that the Senate amendments have been incorporated and the bills are returned herewith.

*EDWIN G. FRASER*  
*Secretary of the Senate*

The bills were certified to the House.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Stone, by two-thirds vote, SJR 1013 was withdrawn from the Committee on Constitutional Amendments and Revision and from the Senate.

On motion by Senator Askew, by two-thirds vote, HCR 3119 was withdrawn from the Committee on Constitutional Amendments and Revision.

On motion by Senator de la Parte, the rules were waived and the Committee on Health, Welfare, and Institutions was granted an additional 14 days for the consideration of Senate Bills 578, 661, 669 and HB 994.

On motion by Senator Weissenborn, by two-thirds vote, SB 261 was withdrawn from the Committee on Health, Welfare, and Institutions and from the Senate.

On motion by Senator Johnson, by two-thirds vote, SB 147 was withdrawn from the Committee on Ways and Means and from the Senate.

On motion by Senator Friday, the rules were waived and time of adjournment was extended until 1:30 p.m.

By unanimous consent, the following concurrent resolution was introduced:

By Senators Mathews, Askew, Bafalis, Barron, Barrow, Beaufort, Bell, Bishop, Boyd, Broxson, Chiles, Daniel, Deeb, de la Parte, Ducker, Fincher, Friday, Gong, Gunter, Haverfield, Henderson, Hollahan, Horne, Johnson, Karl, Knopke, Lane, Myers, Ott, Plante, Pope, Poston, Reuter, Saunders, Saylor, Scarborough, Shevin, Slade, Stolzenburg, Stone, Thomas, Trask, Weber, Weissenborn, Williams, Wilson and Young—

**SCR 1057**—A concurrent resolution recognizing May 1, 1970 as Law Day in Florida.

WHEREAS, the Legislature of the state of Florida is dedicated to the ideals of equality and justice under law, and

WHEREAS, for two centuries our nation has looked to laws and courts for redress of grievances and protection of lives, liberties, and individual rights, and

WHEREAS, this legislature is dedicated to the concept of an orderly society governed by law,

NOW, THEREFORE,

Be It Resolved that May 1, 1970 is hereby declared Law Day in Florida:

BE IT FURTHER RESOLVED that the Legislature of the State of Florida urge all Floridians, in observing this 13th Annual Law Day in the United States, to rededicate themselves to the ideal of a government of law and not of men.

Was read the first time in full. On motion by Senator Friday, the rules were waived and SCR 1057 was read the second time by title, adopted and immediately certified to the House. The vote was: Yeas—27 Nays—None

Mr. President	Deeb	Horne	Shevin
Bafalis	de la Parte	Johnson	Stone
Beaufort	Ducker	Karl	Thomas
Bell	Fincher	Myers	Trask
Bishop	Friday	Plante	Williams
Boyd	Gunter	Poston	Wilson
Daniel	Haverfield	Saunders	

#### MESSAGES FROM THE GOVERNOR

The Governor advised that on April 30 he had transmitted to the Office of Secretary of State SB 166, which he had approved.

The Governor advised that on May 1 he had transmitted to the Office of Secretary of State SB 306 which will become law without his approval.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable John E. Mathews, Jr.* May 1, 1970  
*President of the Senate*

Sir:

I am directed to inform the Senate that the House of Representatives has passed SB 34, SB 403.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

*The Honorable John E. Mathews, Jr.* May 1, 1970  
*President of the Senate*

Sir:

I am directed to inform the Senate that the House of Representatives has passed SB 401, SB 542.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

The bills, contained in the above messages, were ordered enrolled.

*The Honorable John E. Mathews, Jr.*  
*President of the Senate*

May 1, 1970

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Crabtree—

**HB 3384**—A bill to be entitled An act relating to the excise tax on documents; amending section 201.02, Florida Statutes; providing that the tax on deeds and other instruments relating to lands shall be payable upon transactions involving the leasing of cooperative apartments to the tenant-stockholder; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

HB 3384, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

*The Honorable John E. Mathews, Jr.*  
*President of the Senate*

May 1, 1970

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representatives Sessums and Spicola—

**HB 1504**—A bill to be entitled An act relating to judicial officers; creating chapter 105, Florida Statutes, providing for the nomination and election of certain judicial officers; providing for time of qualifying and amount of filing fees; providing form of ballot; providing for filling of vacancies; providing penalties for violations; exempting certain judicial officers from the operation of sections 99.021, 99.061 and 99.092, Florida Statutes; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

HB 1504, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

*The Honorable John E. Mathews, Jr.*  
*President of the Senate*

April 30, 1970

Sir:

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate amendments to—

By the Committee on Crime & Law Enforcement—

**CS for HB 701**—A bill to be entitled An act relating to affrays, riots, routs and unlawful assemblies; amending chapter 870, Florida Statutes, by the addition of new sections 870.041, 870.042, 870.043, 870.044, 870.045, 870.046, 870.047, 870.048, 870.049; establishing a procedure for declaration that a state of emergency exists, by county sheriffs or authorized municipal official; providing for the establishment of a curfew during the existence of the state of emergency; designating automatic and discretionary emergency powers to said sheriff or municipal official; provides penalty for violation; provides an effective date.

Amendment 1—

In Section 1, line 20, page one, strike Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 and insert the following:

Section 1. Chapter 870, Florida Statutes, is amended by adding sections 870.041, 870.042, 870.043, 870.044, 870.045, 870.046, 870.047, 870.048, and 870.049 to read:

870.041 Preservation of the public peace by local authority.—In the event of overt acts of violence, or the imminent threat of such violence, within a county or municipality, and in the event that the governor has not declared a state of emergency to so exist, local officers shall be empowered to declare such a state of emergency exists in accordance with the provisions of this chapter.

870.042 Designation of local authority.—

(1) The sheriff of each of the several counties of this state or such other county official having the duties of a sheriff in counties operating under home rule charter, by whatever name known, shall be empowered to declare that a state of emergency exists within the county and shall be empowered to exercise the emergency powers conferred in this act.

(2) The governing body of any municipality within this state may designate, by duly adopted ordinance, a city official who shall be empowered to declare that a state of emergency exists within the boundaries of the municipality and who shall be empowered to exercise the emergency powers conferred in this act. The designated city official shall be either the mayor or chief of police or the person who performs the duties of a mayor or chief of police in such municipality. In the absence of a duly adopted ordinance so designating the official to so act, the chief of police of such municipality is hereby designated as the city official to assume the duties and powers hereof.

870.043 Declaration of emergency.—Whenever the sheriff or designated city official determines that there has been an act of violence or a flagrant and substantial defiance of or resistance to a lawful exercise of public authority and that, on account thereof, there is reason to believe that there exists a clear and present danger of a riot or other general public disorder, widespread disobedience of the law, and substantial injury to persons or to property, all of which constitutes an imminent threat to public peace or order and to the general welfare of the jurisdiction affected or a part or parts thereof, he may declare that a state of emergency exists within that jurisdiction or any part or parts thereof.

870.044 Emergency measures.—Whenever the public official pursuant to section 870.043, Florida Statutes, declares that a state of emergency exists:

(1) The emergency measures provided in section 870.045, Florida Statutes, shall thereupon be in effect during the period of said emergency and throughout the jurisdiction, and

(2) The public official may order and promulgate all or any of the emergency measures provided in section 870.046, Florida Statutes, in whole or in part, and with such limitations and conditions as he may deem appropriate, and any such emergency measure so ordered and promulgated shall thereupon be in effect during the period of said emergency and in the area or areas for which the emergency has been declared.

870.045 Emergency measures, automatic.—

(1) The sale or offer to sell, with or without consideration, any ammunition, gun, or other firearm of any size or description is prohibited.

(2) The intentional possession in a public place of a firearm by any person, except a duly authorized law enforcement official or person in military service acting in the official performance of his duty is prohibited.

870.046 Emergency measures, discretionary.—When a state of emergency exists, the following measures may be exercised:

(1) The establishment of curfews, including but not limited to, the prohibition of or restrictions on pedestrian and vehicular movement, standing and parking, except for the provision of designated essential services such as fire, police, and hospital services including the transportation of patients thereto, utility emergency repairs and emergency calls by physicians.

(2) The prohibition of the sale or distribution of any alcoholic beverage with or without the payment or a consideration therefor.

(3) The prohibition of the possession on the person in a public place of any portable container containing any alcoholic beverage.

(4) The closing of places of public assemblage with designated exceptions.

(5) The prohibition of the sale or other transfer of possession, with or without consideration, of gasoline or any other flammable or combustible liquid altogether or except by delivery into a tank properly affixed to an operable motor-driven vehicle, bike, scooter, boat, or airplane and necessary for the propulsion thereof.

(6) The prohibition of the possession in a public place of any portable container containing gasoline or any other flammable or combustible liquid.

870.047 Filing and publication.—Any state of emergency or emergency measure declared or ordered and promulgated by virtue of the terms of this act shall, as promptly as practicable, be filed in the office of the municipal clerk or clerk of the circuit court and shall also be delivered to appropriate news media for publication and radio and television broadcast thereof. If practicable, such state of emergency declaration or emergency measure shall be published by other means such as by posting and loudspeakers.

870.048 Duration and termination of emergency.—A state of emergency established under this act shall commence upon the declaration thereof by the public official and shall terminate at the end of a period of seventy-two (72) consecutive hours thereafter unless prior to the end of such seventy-two (72) hour period, the public official, the governor, the county commission, or city council, shall have terminated such state of emergency. Any extension of the seventy-two (72) hour time limit must be accomplished by request from the public official and the concurrence of the county commission or city council by duly enacted ordinance or resolution in regular or special session.

870.049 Violations.—Any person convicted of a violation of a provision of this act or of any emergency measure established pursuant thereto is guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500), or by imprisonment for not more than one (1) year, or both such fine and imprisonment.

Section 2. This act shall take effect upon becoming a law.

Amendment 2—

In title, line 3, page one, strike entire title and insert the following:

A bill to be entitled AN ACT relating to affrays, riots, routs, and unlawful assemblies; amending chapter 870, Florida Statutes, by adding sections 870.041, 870.042, 870.043, 870.044, 870.045, 870.046, 870.047, 870.048, 870.049; establishing a procedure for declaration by county sheriffs or authorized municipal officials that a state of emergency exists; providing for the establishment of a curfew during the existence of the state of emergency; designating automatic and discretionary emergency powers to said sheriffs or municipal officials; providing penalty for violation; providing an effective date.



—and requests the Senate to recede therefrom.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

On motions by Senator Shevin, the Senate receded from Senate amendments 1 and 2 to CS for HB 701. The action of the Senate was certified to the House. The vote was:

Yeas—36

Mr. President	de la Parte	Knopke	Shevin
Bafalis	Fincher	Lane	Stolzenburg
Barron	Friday	Myers	Stone
Barrow	Gong	Ott	Thomas
Bell	Gunter	Plante	Trask
Bishop	Haverfield	Poston	Weber
Boyd	Henderson	Reuter	Weissenborn
Daniel	Horne	Sayler	Williams
Deeb	Johnson	Scarborough	Wilson

Nays—1

Ducker

*The Honorable John E. Mathews, Jr.*  
*President of the Senate*

May 1, 1970

Sir:

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By the Committee on Judiciary—

**CS for SB 7**—A bill to be entitled An act relating to auto theft; creating chapter 814, F. S., giving definitions; redefining and establishing the crimes of auto theft, theft of motor vehicle parts or components, unauthorized use of motor vehicle, possession of a stolen motor vehicle and knowingly occupying a stolen vehicle; providing penalties therefor; requiring revocation of driver's license of person convicted under this chapter; establishing prima facie evidence of intent to deprive the owner of his property; repeals section 811.20, F. S.; amends subsection 811.21(1), F. S., to exclude motor vehicles therefrom; providing an effective date.

Which amendment reads as follows:

On page 6, after line 28, insert the following: (e) any person who fails to return a rental or leased motor vehicle within seventy-two (72) hours after the time and date agreed upon for the return of the vehicle, unless notification of the reason for delay has been made to renter or lessor.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

On motion by Senator Shevin, the Senate concurred in the House amendment to CS for SB 7. CS for SB 7 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was: Yeas—33 Nays—None

Mr. President	Ducker	Lane	Stolzenburg
Bafalis	Fincher	Myers	Stone
Barrow	Friday	Plante	Thomas
Beaufort	Gong	Poston	Trask
Bell	Gunter	Reuter	Williams
Bishop	Henderson	Saunders	Wilson
Boyd	Horne	Sayler	
Daniel	Johnson	Scarborough	
Deeb	Karl	Shevin	

*The Honorable John E. Mathews, Jr.*  
*President of the Senate*

May 1, 1970

Sir:

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senators Myers and Poston—

**SB 263**—A bill to be entitled An act relating to corporations; amending section 608.041(1), Florida Statutes; providing that corporate existence will begin as of the date the articles of incorporation are subscribed and acknowledged; providing that no corporate existence will begin unless the articles of incorporation are filed with the secretary of state within three (3) days of such subscription and acknowledgement and are subsequently approved by him; providing an effective date.

Amendment 1—

On page 1, line 18, strike all after the enacting clause and insert the following:

Section 1. Section 608.04, Florida Statutes, is amended to read:

608.04 Approval of articles; beginning of corporate existence.—

*The date when corporate existence shall begin may be specified in the articles of incorporation. This date may be at the time of subscription and acknowledgment if the articles of incorporation are filed with the secretary of state within five days, exclusive of legal holidays, after subscription and acknowledgment thereof, and are subsequently approved by the secretary of state and all filing fees and taxes have been paid. Otherwise, when the articles of incorporation have been filed in the office of the secretary of state and approved by him and all filing fees and taxes have been paid, the subscribers thereof, their successors and assigns shall constitute a corporation. The approval of the articles of incorporation by the secretary of state shall be indicated by his endorsement thereof with the date and time of approval on the original. The original shall be filed in the records of his office. If a duplicate is received with the original, it shall, on receipt of the fee required for certified copies, be so endorsed, certified and returned to the person from whom received. In no event shall corporate existence begin more than ninety days after the filing of the articles of incorporation with the secretary of state.*

Section 2. Section 608.041, Florida Statutes, is amended to read:

608.041 Effective dates [; corporate existence], amendments to articles, merger or consolidation and voluntary dissolution.—

[(1) The date when corporate existence shall begin, which in no event shall be prior to or more than ninety days after filing of articles of incorporation with the secretary of state, may be specified in the articles of incorporation of any corporation, failing which, corporate existence of any such corporation shall take effect as now provided by law.]

(1) [(2)] The date when any amendment to articles of incorporation shall become effective, which in no event shall be prior to, or more than ninety days after, filing of the amendment with the secretary of state, may be specified in such an amendment; failing which, such amendment shall take effect as now provided by law.

(2) [(3)] The date when a merger or consolidation of any corporation shall become effective may be specified in the agreement of merger or consolidation or in any instrument filed simultaneously therewith, which in no event shall be prior to, or more than ninety days after, filing of the agreement of merger or consolidation with the secretary of state, failing which, any merger or consolidation shall take effect as now provided by law.

(3) [(4)] The date when voluntary dissolution of a corporation shall take effect may be stated in the application thereof, which shall in no event be prior to, nor more than ninety days after, the publication by the secretary of state of certificate of dissolution; failing which, dissolution shall occur as provided by law.

Section 3. This act shall take effect October 1, 1970.

Amendment 2—

In title, strike "all of title" and insert the following:

A bill to be entitled An act relating to corporations; amends Section 608.04 and 608.041, Florida Statutes; providing methods by which corporate existence shall begin; providing



that, in no event, shall corporate existence begin more than ninety days after filing with secretary of state; clarifying application of effective date contained in 608.041; deleting paragraph providing a method by which corporate existence may begin in 608.041; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

On motions by Senator Myers, the Senate concurred in House amendments 1 and 2 to SB 263.

SB 263 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was: Yeas—33 Nays—None

Mr. President	Fincher	Lane	Stone
Bafalis	Friday	Myers	Thomas
Barrow	Gong	Plante	Trask
Beaufort	Gunter	Poston	Weissenborn
Bell	Henderson	Reuter	Williams
Bishop	Horne	Saunders	Wilson
Boyd	Johnson	Sayler	
Deeb	Karl	Shevin	
Ducker	Knopke	Stolzenburg	

*The Honorable John E. Mathews, Jr.*  
*President of the Senate*

April 30, 1970

Sir:

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senators Myers and Poston—

**SB 264**—A bill to be entitled An act relating to corporations; certificates of incorporation, amendments to certificates of incorporation, and restated certificates of incorporation; amending chapter 608, Florida Statutes, by adding section 608.061, to authorize the issuance and use of restated certificates of incorporation.

Amendment 1—

On page 1, line 18, strike “whenever desired” and insert the following: at any time

Amendment 2—

On page 2, line 16, strike “original” and insert the following: original

Amendment 3—

On page 2, line 18, strike “original” and insert the following: original

Amendment 4—

On page 2, line 24, strike “original” and insert the following: original

Amendment 5—

On page 2, line 28, insert the following:

Section 2. This act shall take effect October 1, 1970.

Amendment 6—

In Title, line 11, immediately after “incorporation” insert the following: ; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

On motions by Senator Myers, the Senate concurred in House amendments 1, 2, 3, 4, 5 and 6 to SB 264.

SB 264 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was: Yeas—35 Nays—None

Mr. President	Deeb	Knopke	Shevin
Bafalis	Ducker	Lane	Stolzenburg
Barrow	Fincher	Myers	Stone
Beaufort	Friday	Plante	Thomas
Bell	Gunter	Poston	Trask
Bishop	Henderson	Reuter	Weissenborn
Boyd	Horne	Saunders	Williams
Chiles	Johnson	Sayler	Wilson
Daniel	Karl	Scarborough	

*The Honorable John E. Mathews, Jr.*  
*President of the Senate*

May 1, 1970

Sir:

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senators Poston and Myers—

**SB 265**—A bill to be entitled An act relating to corporations and incorporators; amending section 608.03(1)(a),(2)(b) and (i), and (4), Florida Statutes, to allow corporate formation by one (1) or more natural persons; simplifying the statement of corporate powers permitted in the articles of incorporation; amending section 608.031(1), Florida Statutes, to conform.

Amendment 1—

On page 1, line 16, strike all after the enacting clause and insert the following:

Section 1. Section 608.03, Florida Statutes, is amended to read:

608.03 Formation of corporations; articles of incorporation, contents, filing.—

(1) (a) Corporations may be organized and incorporated under part I of this chapter for any lawful purpose, by [three] one or more *natural* persons who shall make, subscribe, acknowledge, and file the original document containing the articles of incorporation of the proposed corporation in the office of the secretary of state and secure approval of the article of incorporation of the proposed corporation and pay the fees and filing taxes required by part I of this chapter.

(b) Cooperative associations shall have not less than ten incorporators.

(2) The articles of incorporation shall contain:

(a) The name of the proposed corporation which shall be such as will distinguish it from any other corporation authorized to do business in Florida. The name shall include the word “company,” “corporation,” “incorporated,” or such other word, abbreviation, affix, prefix, or suffix as will clearly indicate that it is a corporation instead of a natural person or partnership. The use of the word “company,” “corporation,” “incorporated,” or such other word, abbreviation, affix, prefix, or suffix shall not alone be sufficient to distinguish the name of one corporation from another.

(b) The general nature of the business [or businesses] to be transacted, or a statement that the corporation may engage in any activity or business permitted under the laws of the United States and of this state. Such statements shall authorize all such activities and business by the corporation.

(c) The amount of capital stock authorized, showing the maximum number of shares of par value common, of non par common and of preferred stock, and of every kind, class or series of each, with their distinguishing characteristics and the par value of all shares having par value.

(d) The amount of capital with which the corporation will begin business, which shall be not less than five hundred dollars unless, by reason of the special purposes of such proposed corporation a greater amount may otherwise be required by law.

(e) Whether the corporation is to have perpetual existence and if not, the terms of its existence.

(f) The *initial* street address in this state of the principal office of the proposed corporation.

(g) The number of its directors[, which shall not be less than three.] *If a corporation will not have directors this fact shall be stated.*

(h) *If the corporation has directors*, the names and street addresses of the members of the first board of directors, who, unless otherwise provided by the articles of incorporation or the by-laws, shall hold office for the first year of existence of the corporation or until their successors are elected or appointed and have qualified.

(i) The name and street address of each person signing the articles of incorporation as a subscriber[, which shall not be less than three].

(j) Any provision which the [incorporator or] incorporators may choose to insert for the regulation of the business and for the conduct of the affairs of the corporation and any provision creating, dividing, limiting, and regulating the powers of the corporation, the directors and the stockholders or any class of the stockholders, including, but not limited to, provision for cumulative voting for directors, a list of officers, and provisions governing the issuance of stock certificates to replace lost or destroyed certificates.

(3) If the articles of incorporation are for a railroad, canal, telephone or telegraph company, they shall also include:

(a) A statement of the places from and to which the railroad, canal, telephone or telegraph line is to be constructed and operated and its approximate length;

(b) The counties into or through which it will extend, and

(c) A statement that it is intended in good faith to construct, maintain and operate the railroad, canal, telephone or telegraph line.

(4) The articles of incorporation shall be in writing, subscribed by [not less than three] *one or more* natural persons, competent to contract and acknowledged by *all* of the subscribers before an officer authorized to take acknowledgements, and filed in the office of the secretary of state for approval. A duplicate copy so subscribed and acknowledged may also be filed.

Section 2. Section 608.031, Florida Statutes, is amended to read:

(substantial rewording of section. See Section 608.031, F. S., for present text)

(1) The exclusive right to the use of a corporate name may be reserved by:

(a) Any person intending to organize a corporation under this chapter.

(b) Any domestic corporation intending to change its name.

(c) Any foreign corporation intending to make application for a permit to transact business in this state.

(d) Any foreign corporation authorized to transact business in this state and intending to change its name.

(e) Any person intending to organize a foreign corporation and intending to have such corporation make application for a permit to transact business in this state.

(2) If the secretary of state finds that the name is available for corporate use, he shall reserve the same for the exclusive use of the applicant for a period of one hundred twenty days. The secretary of state shall promulgate such rules and regulations as to reserve a proposed corporate name and charge a fee not to exceed five dollars (\$5.00) therefore.

(3) The right to the exclusive use of a specified corporate name so reserved may be transferred to any other person or corporation by filing in the office of the secretary of state a notice of such transfer, executed by the applicant for whom the name was reserved and specifying the name and address of

the transferee, and a filing fee, established by the secretary of state, not to exceed five dollars (\$5.00).

Section 3. Subsection (1) of section 608.09, Florida Statutes, is amended to read:

608.09 Directors; powers; qualifications; executive committee.—

(1) The business of every corporation shall be managed and its corporate powers exercised by a board of [not less than three] *one or more directors*. All of them shall be of full age and at least one shall be a citizen of the United States. Where not required by the certificate of incorporation or by the bylaws, it shall not be necessary for directors to be stockholders, unless specifically required by law for corporations engaged in any of the businesses regulated by specific statutes. Unless the certificate of incorporation or bylaws provide otherwise, the presence of a majority of all the directors shall be necessary at any meeting to constitute a quorum to transact business. The act of a majority of directors present at a meeting where a quorum is present shall be the act of the board of directors. Directors' meetings may be held within or without the state.

Section 4. This act shall take effect October 1, 1970.

Amendment 2—

In title on page 1, line 3, strike all of title and insert the following: A bill to be entitled An act relating to corporations and incorporators; amending section 608.03, Florida Statutes, to allow corporate formation by one or more natural persons; simplifying the statement of corporate powers permitted in the articles of incorporation; amending 608.031, Florida Statutes, to allow reservation of corporate names for a period of up to 120 days; providing a method to transfer such reservation; providing filing fees; amending subsection 608.09 (1) to allow boards of directors to be composed of one or more persons; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

On motions by Senator Myers, the Senate concurred in House amendments 1 and 2 to SB 265.

SB 265 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—33

Mr. President	Ducker	Knopke	Shevin
Bafalis	Fincher	Lane	Stolzenburg
Barron	Gong	Myers	Stone
Barrow	Gunter	Plante	Thomas
Beaufort	Haverfield	Poston	Trask
Bell	Henderson	Reuter	Wilson
Boyd	Horne	Saunders	
Daniel	Johnson	Sayler	
Deeb	Karl	Scarborough	

Nays—1

Williams

*The Honorable John E. Mathews, Jr.*  
*President of the Senate*

May 1, 1970

Sir:

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By Senators Poston and Myers—

**SB 267**—A bill to be entitled An act relating to corporations; amending section 608.09, Florida Statutes, by renumbering present subsection (3) as subsection (4) and adding new subsections (3), (5), and (6); providing that directors of corporations may serve on executive committees in the place of absent or disqualified members of such boards; providing that executive committee meetings may be held by use of various communications systems; protecting members of executive committees who rely in good faith on the books of account of

the corporations or other records of the corporation or reports made to the corporation by its officers, independent certified public accountants, or appraisers; providing an effective date.

Which amendment reads as follows:

On page 1, line 24, strike "All after enacting clause" and insert the following: Section 1. Subsection (3) of section 608.09, Florida Statutes, is renumbered as subsection (4), and new subsections (3), (5), and (6) are added to said section to read:

608.09 Directors; powers; qualifications; executive committee.—

(3) Unless otherwise provided in the certificate of incorporation or bylaws, the board of directors may designate one (1) or more directors as alternate members of any executive committee, who may replace at any meeting of such committee any absent member or member disqualified from voting. The bylaws may provide that in the absence or disqualification from voting of a member of the committee, the member or members thereof present at any meeting and not disqualified from voting, whether or not he or they constitute a quorum, may unanimously appoint another member of the board of directors to act at the meeting in the place of such absent or disqualified member.

(4) Unless otherwise provided in the certificate of incorporation or bylaws, any action of the board of directors or of any committee thereof, which is required or permitted to be taken at a meeting, may be taken without a meeting if written consent to the action signed by all of the members of the board or of the committee, as the case may be, is filed in the minutes of the proceedings of the board or committee prior to the taking of such action.

(5) Where provided in the certificate of incorporation or bylaws, members of the board of directors or an executive committee shall be deemed present at a meeting of such board or committee if a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other, is used.

(6) A member of the board of directors or a member of an executive committee, shall, in the performance of his duties, be fully protected in relying in good faith upon the books of account or other records of the corporation or reports made to the corporation by any of its officers, or by an independent certified public accountant, or by an appraiser selected with reasonable care by the board of directors or executive committee.

Section 2. This act shall take effect October 1, 1970.

—and requests the concurrence of the Senate therein.

*Respectfully,*  
**ALLEN MORRIS**  
*Clerk, House of Representatives*

Senator Myers moved that the Senate concur in the House amendment to SB 267.

A substitute motion by Senator Barron was adopted that the Senate refuse to concur in the House amendment to SB 267 and the House was requested to recede therefrom. The action of the Senate was certified to the House.

## SECOND READING

**SR 1007—A Resolution in Commendation of Alonzo Smith 'Jake' Gaither**

WHEREAS, the great football coach Jake Gaither did not win his title of "The Winningest Coach in the History of Football" by any quirk of Fate or stroke of luck but by strict adherence to sound principles of human behavior, earnest endeavor—work, study, striving without stint to the uttermost sounding of his God-given talents—a profound philosophy of life and an innate observance of the Golden Rule emanating from his deeply religious convictions, and

WHEREAS, the stupendous and unprecedented contributions his efforts have brought to the world of sports are only surpassed by the fundamental principles of sound character, the

earnest seeking of wisdom, strict devotion to duty and complete self-abnegation, so marked in his own life and activities, which he has lastingly instilled in the hundreds of young men who have come under his athletic guidance—affectionally referred to as his boys—to stand them in substantial stead in their respective roles as future American citizens, and

WHEREAS, in recognition of his own true greatness and illustrious achievements and out of an abundant gratitude for the extraordinary example he has set in his life so nobly dedicated to inspiring others to worthwhile achievement, to perseverance no matter the adversity, to modesty in the possession of triumph and acclaim, we would record for posterity this Resolution, NOW THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That this Resolution be spread upon the pages of the Journal of the Florida Senate—

## IN COMMENDATION ALONZO SMITH "JAKE" GAITHER

—who was born on April 3, 1903, at Dayton, Tennessee, the son of the Reverend and Mrs. J. D. Gaither. Rev. Gaither was a Methodist minister. He was a tall, dignified man with a deep musical voice, and Alonzo was very proud of him. Preaching, which was not very lucrative, necessitated constant movement of the family to new locations, usually small mining towns in Tennessee and Kentucky.

At the early age of five years, Alonzo could be found walking miles to school by his mother's side, awed by rock formations and other wonders of nature prevalent in the rugged Tennessee mountains. Thus he received the benefit of his petite mother's wise counseling throughout the days for she was the teacher at the school.

In the summer of Alonzo's thirteenth year his family was living in Middlesboro, Kentucky. Moving upon the theory of his favorite adage: "An idle mind is the Devil's workshop", early one morning Rev. Gaither advised the unsuspecting Alonzo that he was to begin a business of his own, a shoeshine parlor, rent sixteen dollars a month, and if he wished he might hire his eight year old brother Alex as helper. Alonzo, who had never seen sixteen dollars in his life was duly aghast, but he followed the plan, building two shoeshine boxes and two chairs, the latter from large boxes, hung out a sign, and hired Alex. Rev. Gaither had selected a good location and the business brought in nineteen dollars the first day. Alonzo immediately wanted to buy a baseball and glove. His father pointed out that that was what Alonzo wanted but that what he needed was an education, without which he could not hope to get ahead in the world. There was a compromise. Alonzo got the ball and glove but thereafter the money went into the bank for his education. His business boomed and Alonzo had little time for play that summer. Listening to the conversation of lawyer customers, he decided he wanted to be a criminal defense lawyer and spent any available time in the local courthouse listening to the trial of cases.

Alonzo was sixteen, still in high school and had never been away from home, when his family, in order to afford him better scholastic advantages, enrolled him in Knoxville College. The high school was on the College campus and he lived in the dormitories. All students were Negro, but teachers were both white and Negro. Discipline was strict. Students were required to go to church and prayer meeting as well as classes, to look after their own rooms and to do some work for the College. Alonzo's job was to scrub the long hall in the dormitory, and to scrub it again when it did not stand inspection. The maxim held before him was: "That which is worth doing at all is worth doing well". He soon took pride in how clean he could get that hall, and reported to his family that he had had no time to succumb to his much feared homesickness.

Agreement with a plan originated by his roommate, Lewis Carey, netted him his nickname. It was decided to alternate their room cleaning days, that each on his day off would be "boss", calling the other "Jake". Soon both became known to other students as "Jake".

The College had no organized athletics but there were teams made up among the students. One day Jake espied a game in progress by which he was immediately fascinated. He learned that it was football, that he was too young and too light in weight to participate but his interest did not wane. He

continued to watch from the sidelines and learn all he could about it.

Jake was a Junior in High School, six feet tall, weight one hundred seventy-five pounds, the year the College hired its first football coach. He went out for the team and by dint of giving his best, was playing end on the Varsity team before the year was over. In addition to the need he felt for more knowledge of the game, greater speed and more poundage he had another very real obstacle to surmount. Rev. Gaither took a dim view of the value of the rough game of football. In order to arrive at a definite conclusion as to whether Jake should continue to play it, Rev. Gaither attended a game. It was a tight game. Finally Jake found himself in a position where he was the only man who could save the day for Knoxville, which he did by a flying tackle that knocked the breath out of him. As he scrambled up on hands and knees he heard a shouting high above the din of other voices: "My boy!" "That's my boy!" It was Rev. Gaither, who never again uttered an objection to Jake's playing on the football team.

When Jake attended the Freshman reception at Knoxville College he had been on the campus four years and did not feel like a Freshman. It would probably have counted with him as a boring experience save for the fact that he met there for the first time a very attractive and highly intelligent Freshman student whose name was Miss Sadie Robinson. From that moment on she became the object of his adoration.

Jake was not a football star but what the coaches referred to as "a good team man". He played to help the team win and often studied the game harder than he did his books. Other than in debating, a subject more popular at the College than football, his grades were only fair. He inherited his father's voice and by dint of hard study accomplished the unusual feat of making the debating team in his freshman year. The students were doubtful of winning with a freshman on their team but on the occasion of Jake's first debate the big bell on the campus tolled in the night, a custom indicating the team had won. He became a champion debater.

In his junior year, Jake was one of the student leaders. He was on the debating team, the football team and the basketball team. Always moved to protest what he considered an injustice to any one, and often called on in his role as a leader to represent students in their grievances, he was caught up in several minor trouble spots. The result of one such episode caused him to say years later that it taught him a lesson to first be sure of facts, otherwise more harm than good might result from a protest.

It was the aspiration of Rev. Gaither that Jake be a minister. Jake was not sure he could qualify. He still had thoughts of becoming a lawyer. Both required graduate school, which became a financial impossibility upon the death of Rev. Gaither in Jake's senior year.

Upon graduation from Knoxville, Jake took a job at a Methodist High School in Henderson, North Carolina, where he taught mathematics, civics, debating and was coach of all athletic teams. His football teams did not win a game the first year. The second year brought no wins but there were five ties. During the next six years they lost only six games. In his third year at Henderson his basketball team won the state championship. During his eight years at Henderson his debating teams won state championships and so did his athletic teams in football, baseball, basketball and track, and he won his greatest asset—Miss Sadie Robinson, of his freshman days at Knoxville, became his wife.

Henderson Institute for Negroes was a private school. There arose in the public schools a jealousy against the private schools which were winning most of the state tournaments. This culminated in a decision that Jake's basketball team could play in the tournament but he could not coach it. Spite and jealousy worked to Jake's good fortune. Undaunted, he told his players before they left to "Obey your captain just as if he were coach and play your best". They did and won one game after another and the tournament as well. Newspapers dubbed them "The Coachless Wonders" and one paper wrote that they "were the best-coached team in the tournament", then followed the story of how many championships the Henderson teams had won under Gaither as coach. Offers began to pour in to Jake from other schools.

In 1935, Jake left Henderson and went to St. Paul's Junior College in Virginia as assistant coach of football, basketball and

track. Shortly thereafter the coaches who had barred him from the North Carolina tournament recanted and invited him to return and act as head referee at their next tournament. The next year at St. Paul's he was made head coach but his salary was small, and to improve it he felt the need of additional education. Sadie was also teaching and they saved money carefully. He began attending summer school at Ohio State University, where he studied hard and his grades were good. There he met one of the first Negroes to play football at Ohio State, Big Bill Bell, who was also doing graduate work. He importuned Jake to take the job as his assistant football coach and also head basketball coach at Florida A&M, where Bell was athletic director and head football coach.

In the summer of 1937, Jake received his master's degree at Ohio State and he and Sadie moved to Tallahassee. He told Bell of four good players at the Junior College who would like to continue their education and that he would like to have if scholarships could be provided. This was arranged but when the players arrived, the largest weighing only one hundred seventy-five pounds, Big Bill was loud in his denunciation of Jake for "giving these babies scholarships". Jake urged him to wait and watch the "babies" play but Big Bill put them on the scrub team, where in the first scrimmage, playing defense, they drove the varsity back across its own goal in four plays. They were promptly promoted to the varsity team.

In 1937 Florida A&M had only some eight hundred students, one barn-like room for a gymnasium, an open field with a few bleachers for a stadium and not one championship to its credit. The first year Jake was there the football team won the conference championship. The next year it won the conference championship and the National Negro Championship without even being scored on. Jesse Mayes, the smallest of the "babies" from St. Paul's, made All-American.

During the first two years, the basketball teams did not do well. By the third year Jake had taught the players team play. They began to win and he decided to try them for the conference championship. Complaining of a headache but unheeding Sadie's advice to see a doctor, Jake left for Tuskegee, Alabama, where FAMC from the beginning won game after game even to the last extremely close one which determined the championship. As the cheers arose, however, Jake was holding his head, complaining of pain and the inability to think clearly.

Tallahassee physicians and hospitalization failed of diagnosis or help. Jake's illness increased and his vision was distorted. Finally Sadie phoned the famous Dr. Earl Odum of Tennessee, with whom Jake had played football at Knoxville. He came at once, diagnosed a brain tumor requiring an immediate operation, saying frankly that it could result in death, and that he wished a more skillful surgeon than himself to perform it. In a very weakened state, Jake was taken by ambulance to Nashville where a friend of Dr. Odum, the eminent brain surgeon Dr. Cobb Pilcher, performed the operation, removing not one but three brain tumors each containing cancer cells. Any hope of recovery seemed futile but Jake proved that he possessed "a spirit that would not die". For more than a year Jake could do no work. Sadie nursed him carefully and supported them by teaching English at A&M. World War II was in progress, Big Bill Bell had joined the Navy and the football teams began to lose more games than they won.

By 1943 Jake was able to teach on a part-time basis but having had a large portion of his skull removed in the brain operation—a blow to the head would probably prove fatal—it was thought he could never coach again, but he never gave up thinking of football. In 1945 the athletic program had come to such a sad pass that the President of A&M approached Jake with the idea that he take over as athletic director. Jake accepted. The job of football coach was mentioned as an impossibility, but Jake accepted it also, with the agreement that his assistant coaches, who would relieve him of actual contact, be selected from players at the College when he and Bell were coaching.

In the fall of 1945 Jake became head football coach at Florida A&M. His players were the same who the year before had lost more games than they had won. He had to instill confidence in them—make them believe they could win. He told them what the teacher at Knoxville had told him about scrubbing the hall: "If a thing is worth doing at all, it is worth doing well". He told them this over and over. "If you are scrubbing a hall," he told them, "You must want to scrub it better than anybody else. If you are shining shoes, you must want to shine them better than anybody else. And if you are

playing football on this team, you have *got* to play better than anybody else!" He never blamed a player for an honest mistake but he did not take being late for practice or loafing into this category.

Practice sessions were on exact schedule, long and gruelling. Jake's theory was that "A player who won't give his best in practice won't give his best in a game". Except for Jake's unique ability to inspire men, to make them *want* to do their best, the players might have gotten tired and walked out. They respected him for his sincerity. When he said to them that "The real purpose of any athletic program is to build character, and I don't know of any better place to teach men about fair play and hard work than on a football field", they knew he meant it. And when, before his first game as head coach, he prayed with them in the locker room: "If we must lose, let us lose with dignity. If we win, let us win with modesty. Amen."—they knew he meant it—and they ran out on the field and won. A week later they won their second game, then their third and fourth. Before the season was over they had won nine straight games and the conference championship.

They knew that Jake "practiced what he preached". He and Sadie had no children of their own. The team as a whole filled the void. To Jake they were all "My boys", and they knew his interest in them did not begin and end on the football field but extended from the hospitality of his and Sadie's pretty brick home, close by the campus, to all points—even to the jail, and the office of the Governor of the State of Florida, where he unhesitatingly followed one of them who had fallen on ill fortune, retrieved him from a life in prison, and restored him to society as a gold medal winner in the Olympics. He inspired them to health when they were ill, helped them to education, to jobs and professions, to become All-American players, to become All-American citizens. That they love him in return has been demonstrated time without end.

An innately modest man, the honors that have poured in on Jake have ever been received in deep humility. Middlesboro, Kentucky, where he operated the shoeshine parlor, voted him an Outstanding Former Citizen's Award; Knoxville College awarded him an honorary degree. In 1961, he was elected to the Helms Athletic Hall of Fame, and in 1962, he was named the National Collegiate Athletic Association Small College Coach of the Year. He was given an award by the Football Writers of America in 1963. Tallahassee named a park and recreation center for him and in 1964, the new million dollar gymnasium at Florida A&M, by act of the Legislature, was named The "Jake" Gaither Athletic Center and Gymnasium.

In 1955, when he developed a new offensive formation, the Split-Line T, with which his players won the National Negro championship he was asked to write a book on it, which he did. Aside from an explanation of the formation, the book is replete with his philosophy.

Jake's twenty-five years as the Rattlers head coach at Florida A&M came to a halt on the twenty-ninth of January, 1970. (No one, not even his successor "Pete" Griffin believes it is over. He says Jake is not going anywhere but "right down there beside me".) During the twenty-five years he led the Rattlers to two hundred and three victories, four ties and suffered with them in thirty-six defeats, overcame "The New Breed", players more concerned with social issues than athletics, and returned the esprit de corps of "The Old Rattlers" to FAMU. Typical was his retiring statement — Not what I have done for football, but what football has done for me. All who know him concur in the words of a Florida sports editor, "What a wonderful world it would be if there were more Jake Gaithers".

Be It Further Resolved that a copy of this Resolution, duly attested under the Seal of the Florida Senate, together with an expression of the best wishes of this Senate Body for his longevity and the continuance of his good works, be presented to the great man known so far and wide as "The Winningest Coach", Jake Gaither.

Was taken up and read the second time in full. On motion by Senator Plante, SR 1007 was adopted. The vote was: Yeas—45 Nays—None

Mr. President	Bishop	Ducker	Horne
Askeu	Boyd	Fincher	Johnson
Bafalis	Broxson	Friday	Karl
Barron	Chiles	Gong	Knopke
Barrow	Daniel	Gunter	Lane
Beaufort	Deeb	Haverfield	Myers
Bell	de la Parte	Henderson	Ott

Plante  
Pope  
Poston  
Reuter  
Saunders

Sayler  
Scarborough  
Shevin  
Slade  
Stolzenburg

Stone  
Thomas  
Trask  
Weber  
Weissenborn

Williams  
Wilson

On motion by Senator Plante, the President appointed Senators Plante, Horne, Barrow, Barron and Pope as a committee to escort Mr. and Mrs. Gaither to the rostrum where they addressed the Senate briefly.

On motion by Senator Chiles, the remarks of "Jake" Gaither were spread upon the Journal:

Members of the Senate, ladies, my friends, it makes me feel very humble to come before you and be recognized by the great State of Florida. I love this great state from the top to the bottom and from the first time I came to Florida from Kentucky, Tennessee, North Carolina and Virginia, it has been kind to me.

I'd never been in Florida before—it was like going into a new country. I have never been received by anybody, more kindly treated by anybody than the people of the great state of Florida. My wife was sick shortly after she got here. She had a serious operation two months after we arrived. She got over 300 greetings from friends who didn't know anything about her. I've never forgotten that. I had a broken leg a few years ago. One of the first messages I got was from a member of this Senate. I'm truly grateful. I'm thankful. Florida has meant so much to me and I defend this state throughout the country—east and west, north and south—the greatest state in the union. The kindest state in the union where I have spent the happiest days of my life.

It's been a pleasure to coach the boys at A & M. They have meant so much to me. They have helped me to grow. They have helped me to understand people. They've helped me to become more tolerant, patient, loving and understanding. I tell my boys when they come before me, I say, "I want you to throw your shoulders back, get the shuffle out of your feet, look the world squarely in the eye and feel that God gave you the potential to do a good job." I want my kids, regardless of what their status in life—if they are ditch diggers—I want them to be the best in town. If they are doctors or lawyers or businessmen in the community, I want them to be the best. If he's a tackle on my team I want him to be the best tackle in the conference. If he's just plain citizen "John Doe", I want him to be a good citizen. I want him to be a law-abiding citizen, a citizen who wants to see his family well taken care of, living in a decent home, his house painted, his yard and his garden with flowers and grass, sending his children and his wife to the hospital and to the doctor when they are sick. I want to see him voting in his elections, supporting the community resources. I want him to be a good citizen. I want that boy to be saturated with a burning desire to excel, to use the God-given talent that he has. Florida has given the young man that opportunity. Your men are kind, ladies and gentlemen, you are kind. It's not what Jake has done for Florida, its the great opportunity that Florida has given to me to do something in my humble way to show my appreciation for the God-given gifts that he has so graciously bestowed upon me. Thank you very kindly.

**HCR 3966**—A concurrent resolution commending Coach Jake Gaither for outstanding service to the State as football coach and athletic director at Florida Agricultural and Mechanical University.

WHEREAS, Coach Jake Gaither has served for twenty-five years as head football coach at Florida Agricultural and Mechanical University, and

WHEREAS, his teams have met with outstanding success on the gridiron with a total record of two hundred and three wins, thirty-six losses, and four ties, and

WHEREAS, his inspiration and involvements with his players has resulted in thirty-one players being named to All-American teams, and

WHEREAS, he has served in various coaching capacities at Florida Agricultural and Mechanical University since 1937, and also as athletic director, during which time he has been recognized by many of his contemporaries for his outstanding contribution to sports and his football abilities leading to publication of a book authored by him and his staff associates in 1963 titled *The Split "T" offense of Florida A & M*, and

WHEREAS, he has served for three years as a member of the Rules Committee of the American Football Coaches Association, and

WHEREAS, under his coaching, the football team of Florida Agricultural and Mechanical University has captured six national negro football championships, NOW, THEREFORE,

*Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:*

That on behalf of the people of the State of Florida, this Legislature does commend Coach Jake Gaither for outstanding service as coach of Florida Agricultural and Mechanical University.

BE IT FURTHER RESOLVED that a copy of this resolution be signed by the officers of the House of Representatives and the Senate and presented to Coach Gaither.

Was taken up and read the second time in full. On motion by Senator Friday, HCR 3966 was adopted and certified to the House. The vote was: Yeas—34 Nays—None

Mr. President	Chiles	Karl	Slade
Askew	Daniel	Knopke	Stolzenburg
Bafalis	Deeb	Lane	Thomas
Barron	de la Parte	Ott	Trask
Barrow	Friday	Plante	Weissenborn
Beaufort	Gong	Poston	Williams
Bell	Gunter	Saunders	Wilson
Bishop	Haverfield	Saylor	
Boyd	Horne	Shevin	

Consideration of SB 60 was deferred, the bill retaining its place on the Calendar.

The President Pro Tempore presiding.

SB 495—A bill to be entitled An act relating to surplus tangible personal property owned by the state; providing that the division of federal and state surplus property, department of general services, shall be the successor to the former state purchasing council and state purchasing commission for purposes of section 273.05 and 273.06, Florida Statutes; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Daniel, the rules were waived and SB 495 was read the third time by title, passed and certified to the House. The vote was: Yeas—34 Nays—None

Askew	Daniel	Karl	Shevin
Bafalis	Deeb	Knopke	Stolzenburg
Barron	de la Parte	Lane	Stone
Barrow	Ducker	Myers	Thomas
Beaufort	Friday	Plante	Weissenborn
Bell	Gong	Poston	Williams
Bishop	Gunter	Reuter	Wilson
Boyd	Haverfield	Saunders	
Chiles	Henderson	Saylor	

SB 497—A bill to be entitled An act relating to units of departments of government; amending subsection (4) of section 4 of Chapter 69-106, Laws of Florida; providing that no department shall create new units of such department for the administration of functions or activities not authorized by legislative act or transferred by the reorganization act of 1969; providing an effective date.

Was taken up and read the second time by title.

The Committee on Governmental Organization offered the following amendment which was adopted on motion by Senator Daniel:

In Section 1, line 8, page 2, strike: "a previously" and insert the following: an

On motion by Senator Daniel, the rules were waived and SB 497 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—37 Nays—None

Askew	de la Parte	Knopke	Stolzenburg
Bafalis	Ducker	Lane	Stone
Barron	Fincher	Myers	Thomas
Beaufort	Friday	Plante	Trask
Bell	Gong	Poston	Weissenborn
Bishop	Gunter	Reuter	Williams
Boyd	Haverfield	Saunders	Wilson
Chiles	Henderson	Saylor	
Daniel	Horne	Shevin	
Deeb	Karl	Slade	

SB 305—A bill to be entitled An act relating to aquatic plant control; amending section 20.25, Florida Statutes, created by section 25 of chapter 69-106, Laws of Florida, and section 370.02, Florida Statutes, to create a division of aquatic plant control within the department of natural resources; providing for the powers, duties and personnel of such division; amending section 372.931, Florida Statutes, and section 403.271(4) and (5), Florida Statutes, as created by section 1, chapter 69-158, Laws of Florida, to provide for coordination with the Florida game and fresh water fish commission and the department of air and water pollution control; providing an effective date.

Was taken up and read the second time by title.

The Committee on Governmental Organization offered the following amendment which was adopted on motion by Senator Friday:

In Section 2, line 24, page 3, strike "and set his compensation. The director shall possess such qualifications as the executive director may prescribe, and he" and insert the following: . He

Senator Friday offered the following amendment which was adopted:

Line 5, page 6, after Section 4 insert the following: and renumber following section:

Section 5. All funds appropriated for the purpose of aquatic plant control shall be transferred to the division of aquatic plant control of the department of natural resources.

Senator Friday also offered the following amendment which was adopted:

In title, line 20, page 1, after "control;" insert the following: providing for transfer of appropriated funds;

On motion by Senator Friday, the rules were waived and SB 305 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—33 Nays—None

Askew	Deeb	Lane	Slade
Bafalis	de la Parte	Myers	Stolzenburg
Barron	Ducker	Ott	Thomas
Beaufort	Friday	Plante	Weissenborn
Bell	Gong	Reuter	Williams
Bishop	Gunter	Saunders	Wilson
Boyd	Haverfield	Saylor	
Broxson	Henderson	Scarborough	
Daniel	Knopke	Shevin	

SB 104 was taken up, together with:

By the Committee on Governmental Organization—

CS for SB 104—A bill to be entitled An act relating to state agency publications; providing that no state agency or department shall publish for external distribution, any booklet, newsletter, pamphlet, or memorandum that does not relate to the public service functions of the agencies or departments; providing identity of government printed publications; providing



that no state appropriations shall be made for any such publication; providing an effective date.

—which was read the first time by title and SB 104 was laid on the table.

On motions by Senator Slade, the rules were waived and CS for SB 104 was read the second time by title, the third time by title, passed and certified to the House. The vote was: Yeas—35 Nays—None

Mr. President	Broxson	Knopke	Sayler
Askew	Daniel	Lane	Scarborough
Bafalis	Deeb	Myers	Shevin
Barron	Ducker	Ott	Slade
Barrow	Gong	Plante	Stolzenburg
Beaufort	Gunter	Pope	Thomas
Bell	Haverfield	Poston	Weissenborn
Bishop	Henderson	Reuter	Wilson
Boyd	Johnson	Saunders	

**SB 580**—A bill to be entitled An act relating to the department of air and water pollution control; providing for the regulation of the emission of pollutants by motor vehicles; providing definitions; providing for approval and accreditation of low-emission control devices; providing for reports by manufacturers; providing for compliance with national standards; providing exemptions; providing for injunctive relief; providing violations and penalties; requiring certification of devices; providing for the adoption of standards; authorizing rules and regulations; amending section 325.19(1), Florida Statutes, requiring an inspection; providing an effective date.

Was taken up and read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Mathews:

In Section 23, between lines 19 and 20, page 11, add a new section 24 to read: Section 24. Nothing in this act shall require the installation or alteration or maintenance of pollution control devices, as defined in section 2 (3), on low-emission motor vehicles, as defined in section 2 (4), equipped to use a fuel other than gasoline.

(renumber present Section 24 as Section 25)

The Committee on Natural Resources and Conservation also offered the following amendment which was adopted on motion by Senator Mathews:

In Section 24, line 20, page 11, strike: "This act shall take effect January 1, 1971," and insert the following: The provisions of sections 1, 2, 4, 6, 9, 10, 19 and 22 of this act shall take effect upon becoming a law. The provisions of all other sections of this act shall take effect January 1, 1971; provided, however, that prior to January 1, 1973, the provisions of sections 8, 14, 18 and 23 shall apply only to new motor vehicles.

Senator Barron offered the following amendment which was adopted:

In Section 10, line 8, page 6, strike: "Every day during any portion of which such violation occurs constitutes a separate offense."

Senator Mathews offered the following amendment which was adopted:

In Section 15, lines 18-21, page 8, strike: "and such maintenance including the cost of parts and labor shall not cost more than the price as determined by the department." and insert a period (.)

Senator Mathews also offered the following amendment which was adopted:

In Section 1, line 16, page 2, following the period (.) insert the following: The vehicle emission standards applied to new motor vehicles shall be consistent with those standards prescribed by public law 90-148 for such period of time as the subject matter pertaining to new motor vehicles shall be preempted by federal law.

Senator Mathews also offered the following amendment which was adopted:

Line 22, page 3, add a new section 3 to read: Section 3. Except as permitted or authorized by law, no person shall fail to maintain in good working order or remove, dismantle or otherwise cause to be inoperative any equipment or feature constituting an operational element of the air pollution control system or mechanism of a motor vehicle required by rules or regulations of the department of air and water pollution control to be maintained in or on the vehicle. Any such failure to maintain in good working order or removal, dismantling or causing of inoperability shall subject the owner or operator to suspension or cancellation of the registration for the vehicle by the department of highway safety and motor vehicles. The vehicle shall not thereafter be eligible for registration until all parts and equipment constituting operational elements of the motor vehicle have been restored, replaced or repaired and are in good working order.

(renumber existing sections)

On motion by Senator Mathews, the rules were waived and SB 580 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—35

Mr. President	Daniel	Knopke	Shevin
Askew	Deeb	Lane	Slade
Bafalis	de la Parte	Myers	Stolzenburg
Barron	Ducker	Ott	Thomas
Beaufort	Gong	Plante	Trask
Bell	Gunter	Pope	Weissenborn
Bishop	Henderson	Poston	Williams
Boyd	Horne	Reuter	Wilson
Broxson	Johnson	Scarborough	

Nays—1

Barrow

**SB 221**—A bill to be entitled An act relating to insurance; amending chapter 625, Florida Statutes, by adding section 625.172, giving the insurance commissioner and treasurer the power to require an insurer to replace within ninety (90) days any asset that the insurance commissioner and treasurer deems has not been valued properly; providing that the insurance commissioner and treasurer shall require an insurer to report certain liabilities within ninety (90) days if the insurance commissioner and treasurer deems that such liabilities should have been reported; providing an effective date.

Was taken up and read the second time by title.

The Committee on Insurance offered the following amendment which was adopted on motion by Senator Deeb:

In Section 1, line 28, page 1, after the first word "asset" and before the comma insert the following: and provided that the removal of said asset from the insurer's assets would place the insurer in financial impairment

On motion by Senator Deeb, the rules were waived and SB 221 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—37 Nays—None

Mr. President	Chiles	Knopke	Slade
Askew	Deeb	Lane	Stolzenburg
Bafalis	de la Parte	Myers	Thomas
Barron	Friday	Ott	Trask
Barrow	Gong	Plante	Weissenborn
Beaufort	Gunter	Pope	Williams
Bell	Haverfield	Poston	Wilson
Bishop	Henderson	Reuter	
Boyd	Horne	Scarborough	
Broxson	Johnson	Shevin	

**SB 383**—A bill to be entitled An act relating to the Internal Improvement Trust Fund; amending section 253.126(1), Florida Statutes, amending the provision permitting general or special acts to specifically repeal any of the provisions of chapter 253, Florida Statutes; repealing section 253.135(3), Florida Statutes; providing an effective date.

Was taken up and read the second time by title.



The Committee on Natural Resources and Conservation offered the following amendment which was moved by Senator Deeb and failed:

In Section 3, line 3, page 2, strike entire Sections 2 and 3 and insert the following: Section 2. Chapter 67-1503, Laws of Florida, is hereby repealed.

Section 3. If any section, subsection or paragraph of this act is held to be invalid or unconstitutional, then all sections, subsections and paragraphs shall be so held.

Section 4. This act shall take effect immediately upon becoming a law.

The Committee on Natural Resources and Conservation also offered the following amendment which was moved by Senator Deeb and failed:

In title, line 10, page 1, strike section 253.135 (3), Florida Statutes; and insert the following: chapter 67-1503, Laws of Florida, which prescribed an alternate procedure for granting dredge and fill permits in the Hillsborough county port district; providing that this act is inseverable;

Senators Knopke and Deeb offered the following amendment which was adopted on motion by Senator Deeb:

In Section 1, line 15, page 1, strike all after the enacting clause and insert the following: Section 1. Chapter 253, Florida Statutes, is amended by adding Section 253.1281 to read:

#### 253.1281 Review by trustees.—

(1) All special acts and general acts of local application granting exceptions to the provisions of this chapter relating to issuance of dredge or fill permits shall provide that all action on applications for such permits shall be subject to approval of the board of trustees of the internal improvement trust fund, who shall have the power to approve, reject or issue such permits.

(2) Notwithstanding any provisions to the contrary, any action after the effective date of this act on any application for a dredge or fill permit pursuant to any special act or general act of local application, heretofore or hereinafter enacted, shall be subject to approval of the board of trustees of the internal improvement trust fund, who shall have the power to approve, reject or issue such permit.

Section 2. This act shall take effect upon becoming a law.

Senators Knopke and Deeb also offered the following amendment which was adopted on motion by Senator Deeb:

In title, line 4-12, page 1, strike the entire title and insert the following: An Act relating to dredge and fill permits, approval by trustees of internal improvement trust fund; amending chapter 253, Florida Statutes, by adding new section 253.1281, providing action shall be subject to approval of such trustees with power to approve, reject or issue; providing an effective date.

On motion by Senator Deeb, the rules were waived and SB 383 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—32 Nays—None

Mr. President	de la Parte	Knopke	Slade
Askew	Ducker	Lane	Stolzenburg
Bafalis	Fincher	Myers	Stone
Barrow	Gong	Ott	Thomas
Bell	Henderson	Plante	Trask
Boyd	Horne	Poston	Weissenborn
Daniel	Johnson	Reuter	Williams
Deeb	Karl	Shevin	Wilson

**SB 573**—A bill to be entitled An act relating to soil and water conservation; amending section 582.01 (3), Florida Statutes, to provide definitions; amending sections 582.06, 582.07, 582.08 and 582.09, Florida Statutes, to provide power and duties of the department of agriculture and consumer services and the soil and water conservation council; providing effective date.

Was taken up and read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Friday:

In Section 6, line 24, page 5, strike “become effective immediately upon becoming a law.” and insert the following: take effect July 1, 1970.

On motion by Senator Friday, the rules were waived and SB 573 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—35 Nays—None

Mr. President	Daniel	Lane	Slade
Askew	Ducker	Myers	Stolzenburg
Bafalis	Friday	Ott	Stone
Barron	Gong	Plante	Thomas
Barrow	Gunter	Pope	Trask
Bell	Haverfield	Poston	Weber
Bishop	Horne	Reuter	Williams
Boyd	Johnson	Scarborough	Wilson
Broxson	Knopke	Shevin	

**SB 642**—A bill to be entitled An act relating to game and fresh water fish; amending section 372.57 (4) (a), Florida Statutes, removing certain fishing license exemptions when fishing with poles for noncommercial purposes; providing an effective date.

Was taken up and read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Barrow:

In Section 2, line 28, page 2, strike Section 2 and insert the following: Section 2. This act shall take effect on July 1, 1969.

Pending further consideration of SB 642, as amended, on motion by Senator Barrow, by two-thirds vote, CS for HB 1269 was withdrawn from the Committee on Natural Resources and Conservation and placed on the Calendar. The vote was:

Yeas—28

Mr. President	Chiles	Karl	Sayler
Barrow	Daniel	Knopke	Scarborough
Beaufort	Deeb	Lane	Stone
Bell	Ducker	Ott	Thomas
Bishop	Gunter	Plante	Trask
Boyd	Henderson	Pope	Weber
Broxson	Horne	Saunders	Williams

Nays—10

Askew	Johnson	Shevin	Wilson
Gong	Poston	Slade	
Haverfield	Reuter	Stolzenburg	

On motion by Senator Barrow—

**CS for HB 1269**—A bill to be entitled An act relating to game and fresh water fish; amending section 372.57(4)(a), Florida Statutes, exempting certain state residents from obtaining fishing licenses when fishing with poles for non-commercial purposes; providing an effective date.

—a companion measure to SB 642 was substituted therefor and read the second time by title.

Senator Gong offered the following amendment:

In Section 1, line 19, page 1, strike “fifteen (15)” and insert twenty-one (21)

Senator Barrow offered the following substitute amendment which failed:

In Section 1, line 19, page 1, strike “(15)” and insert eighteen

The amendment by Senator Gong failed.

Senator Gong offered the following amendment which failed:

In Section 1, line 16, page 2, strike all of section (4)(a)

On motion by Senator Barrow, the rules were waived and CS for HB 1269 was read the third time by title, passed and certified to the House. The vote was:

Yeas—23

Barrow	Deeb	Karl	Scarborough
Bell	Ducker	Knopke	Thomas
Boyd	Fincher	Lane	Trask
Broxson	Gunter	Ott	Weissenborn
Chiles	Henderson	Plante	Williams
Daniel	Horne	Sayler	

Nays—19

Mr. President	de la Parte	Pope	Slade
Askew	Gong	Poston	Stolzenburg
Bafalis	Haverfield	Reuter	Stone
Barron	Johnson	Saunders	Wilson
Bishop	Myers	Shevin	

SB 642 was laid on the table.

On motion by Senator Broxson, by two-thirds vote, SB 197 was withdrawn from the Committee on Judiciary.

**SB 628**—A bill to be entitled An act making appropriations; providing moneys for the 1969 special session of the legislature and for the travel expenses and per diem of witnesses appearing before legislative committees; providing for the allocation of said appropriations; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Horne, the rules were waived and SB 628 was read the third time by title, passed and certified to the House. The vote was: Yeas—37 Nays—None

Mr. President	Deeb	Knopke	Slade
Askew	de la Parte	Lane	Stolzenburg
Bafalis	Ducker	Myers	Stone
Barrow	Fincher	Plante	Thomas
Bell	Gunter	Pope	Trask
Bishop	Haverfield	Poston	Williams
Boyd	Henderson	Reuter	Wilson
Broxson	Horne	Saunders	
Chiles	Johnson	Scarborough	
Daniel	Karl	Shevin	

**SB 535**—A bill to be entitled An act relating to taxation; amending section 197.065, Florida Statutes, by adding a new subsection (4); authorizing the boards of county commissioners to file minimum tax notices and to pay such taxes from county funds; providing an effective date.

Was taken up and read the second time by title.

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator Mathews:

In Section 1, lines 20, 21, page 1, strike "the cost of preparing and mailing the notice." and insert the following: \$1.00 (one dollar).

Senator Mathews offered the following amendment which was adopted:

In Section 1, line 21, page 1, strike "In all such cases the tax collector shall pay such small tax bills from funds available to pay the expenses of the collector's office." and insert the following: Said resolution shall also instruct the tax assessor that he shall not make an extension on the tax roll for any parcel for which the tax will amount to less than \$1.00.

On motion by Senator Mathews, the rules were waived and SB 535 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—33 Nays—None

Mr. President	Fincher	Ott	Stolzenburg
Askew	Gong	Plante	Stone
Bafalis	Henderson	Pope	Thomas
Bell	Horne	Poston	Weissenborn
Boyd	Johnson	Reuter	Williams
Broxson	Karl	Saunders	Wilson
Daniel	Knopke	Scarborough	
de la Parte	Lane	Shevin	
Ducker	Myers	Slade	

Consideration of SB 336 was deferred, the bill retaining its place on the Calendar.

**SB 463**—A bill to be entitled An act relating to standards of conduct for public officers and employees; amending section 112.317, Florida Statutes, making violation of the provisions of part III of chapter 112, Florida Statutes, a misdemeanor; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Thomas, the rules were waived and SB 463 was read the third time by title, passed and certified to the House. The vote was: Yeas—32 Nays—None

Askew	Ducker	Myers	Slade
Bafalis	Gong	Ott	Stolzenburg
Barron	Henderson	Plante	Stone
Bell	Horne	Pope	Thomas
Boyd	Johnson	Poston	Weber
Broxson	Karl	Reuter	Weissenborn
Deeb	Knopke	Saunders	Williams
de la Parte	Lane	Shevin	Wilson

**SB 390**—A bill to be entitled An act relating to insurance; creating a Florida insurance guaranty association; setting forth the purpose of this act; providing definitions; providing a plan of operation for the association; establishing four (4) guaranty accounts; providing a board of directors; providing the membership, duties, and functions of the board and the association; providing duties of the department of insurance relating to the association; providing the payment of certain claims; providing a method to prevent insolvencies of insurers; exempting the association from certain taxes; providing immunity from certain suits; providing for coordination with any receivership; amending section 627.0851(4), Florida Statutes, providing a method for payment of claims against insolvent insurers arising under the uninsured motorist statute; providing an effective date.

Was taken up and read the second time by title.

The President presiding.

The Committee on Insurance offered the following amendment which was adopted on motion by Senator Barron:

In Section 15, line 18, page 16, strike entire Section and renumber

Pending further consideration of SB 390 as amended, on motion by Senator Barron, by two-thirds vote, HB 4163 was withdrawn from the Committee on Insurance and placed on the Calendar.

On motion by Senator Barron—

**HB 4163**—A bill to be entitled An act relating to insurance; creating a Florida insurance guaranty association; setting forth the purpose of this act; providing definitions; providing a plan of operation for the association; establishing four (4) guaranty accounts; providing a board of directors; providing the membership, duties, and functions of the board and the association; providing duties of the department of insurance relating to the association; providing the payment of certain claims; providing a method to prevent insolvencies of insurers; providing immunity from certain suits; amending section 627.0851(4), Florida Statutes, providing a method for payment of claims against insolvent insurers arising under the uninsured motorist statute; providing an effective date.

—a companion measure to SB 390 as amended was substituted therefor and read the second time by title. On motion by Senator Barron the rules were waived and HB 4163 was read the third time by title, passed and certified to the House. The vote was: Yeas—36 Nays—None

Mr. President	Ducker	Lane	Scarborough
Askew	Fincher	Myers	Shevin
Bafalis	Friday	Ott	Slade
Barron	Gong	Plante	Stone
Bell	Henderson	Pope	Thomas
Broxson	Horne	Poston	Trask
Daniel	Johnson	Reuter	Weber
Deeb	Karl	Saunders	Williams
de la Parte	Knopke	Sayler	Wilson

Senator Scarborough moved that the Senate reconsider the vote by which CS for HB 1269 passed this day. The motion went over under the rule.

SB 336 was taken up, together with:

By the Committee on Ways and Means—

**CS for SB 336**—A bill to be entitled An act relating to tax on sales, use and other transactions; amending subsection (5) of section 212.06, and subsection (6) and paragraph (e) of subsection (7) of section 212.08, Florida Statutes; providing certain exemptions for radio and television stations; providing an effective date.

—which was read the first time by title and SB 336 was laid on the table.

On motions by Senator Horne, the rules were waived and CS for SB 336 was read the second time by title, the third time by title, passed and certified to the House. The vote was:

Yeas—21

Mr. President	Chiles	Horne	Weber
Bafalis	Daniel	Johnson	Williams
Barron	de la Parte	Knopke	Wilson
Barrow	Friday	Slade	
Bell	Gunter	Thomas	
Boyd	Haverfield	Trask	

Nays—15

Deeb	Lane	Pope	Stolzenburg
Ducker	Myers	Poston	Stone
Henderson	Ott	Reuter	Weissenborn
Karl	Plante	Shevin	

**SB 602**—A bill to be entitled An act relating to crimes and punishments; providing a deaf person shall be entitled to an interpreter following arrest and before commitment in an institution; providing a means of procuring qualified interpreters and prescribing procedures and an effective date.

Was taken up and read the second time by title.

The Committee on Judiciary offered the following amendment which was adopted on motion by Senator Pope:

In Section 2, line 18, page 1, strike “when” and insert after

The Committee on Judiciary also offered the following amendment which was adopted on motion by Senator Pope:

In Section 5, line 17, page 2, after the word “person” insert the following: at the discretion of the Court.

The Committee on Judiciary also offered the following amendment which was adopted on motion by Senator Pope:

In Section 3, line 3, page 2, strike “a physical handicap which substantially prevents him from fully hearing” and insert the following: a hearing impairment and communicates through the medium of manual spelling, signs or lip reading.

On motion by Senator Pope, the rules were waived and SB 602 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—36 Nays—None

Mr. President	Ducker	Knopke	Slade
Askew	Friday	Lane	Stolzenburg
Barrow	Gong	Myers	Stone
Bell	Gunter	Ott	Thomas
Broxson	Haverfield	Plante	Trask
Chiles	Henderson	Pope	Weber
Daniel	Horne	Poston	Weissenborn
Deeb	Johnson	Reuter	Williams
de la Parte	Karl	Saunders	Wilson

**SB 559**—A bill to be entitled An act relating to the election code; amending section 103.111(3)(b), Florida Statutes, to provide for election of county executive committee chairman within thirty (30) days after the general election.

Was taken up and read the second time by title.

On motion by Senator Deeb, further consideration of SB 559 was deferred, the bill retaining its place on the Calendar.

**SB 558**—A bill to be entitled An act relating to elections; amending section 101.141(4), Florida Statutes, requiring that an incumbent be designated on the primary ballot when another candidate for the same office has the same surname; providing an effective date.

Was taken up and read the second time by title.

The Committee on Judiciary offered the following amendment which was adopted on motion by Senator Wilson:

In Section 1, line 16, page 3, following the words “the same” insert: or similar

The Committee on Judiciary also offered the following amendment which was adopted on motion by Senator Wilson:

In title, line 9, page 1, following “the same” insert: or similar

Senator Fincher presiding.

On motion by Senator Wilson, the rules were waived and SB 558 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—35

Askew	de la Parte	Johnson	Shevin
Bafalis	Ducker	Lane	Slade
Barron	Fincher	Myers	Stolzenburg
Bell	Friday	Ott	Thomas
Boyd	Gong	Plante	Trask
Broxson	Gunter	Poston	Weber
Chiles	Haverfield	Reuter	Williams
Daniel	Henderson	Saunders	Wilson
Deeb	Horne	Sayler	

Nays—2

Stone Weissenborn

The President presiding.

**SB 469**—A bill to be entitled An act relating to excusable homicide; amending section 782.03, Florida Statutes, to eliminate as excusable homicide, homicide committed by accident and misfortune in correcting a child or servant; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Plante, the rules were waived and SB 469 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Mr. President	Deeb	Johnson	Shevin
Askew	de la Parte	Lane	Slade
Bafalis	Ducker	Myers	Stolzenburg
Barron	Fincher	Ott	Stone
Bell	Friday	Plante	Thomas
Boyd	Gong	Poston	Trask
Broxson	Gunter	Reuter	Weber
Chiles	Haverfield	Saunders	Weissenborn
Daniel	Henderson	Sayler	Williams

Nays—1

Wilson

**SB 281**—A bill to be entitled An act relating to the regulation of municipally-owned electric and gas utilities; providing for court proceedings to enforce the act or practice prohibited hereby; providing for treble damages, attorney fees and costs to the person or persons aggrieved and who prevail in the legal proceedings; providing an effective date.

Was taken up and read the second time by title.

The Committee on Commerce and Licensed Businesses offered the following amendment which was adopted on motion by Senator Thomas:

In Sections 3 and 4, lines 13-18, page 2, strike all of Sections 3 and 4 and insert the following: Section 3. This act shall apply to municipally owned electric or gas utilities within the confines of a single county.

Section 4. In any action commenced pursuant to this act the court in its discretion may allow the prevailing party treble damages and in addition a reasonable attorney's fee as part of the cost.

Section 5. This act shall take effect immediately upon becoming a law.

On motion by Senator Thomas, the rules were waived and SB 281 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—31

Mr. President	Chiles	Haverfield	Saylor
Askew	Daniel	Johnson	Shevin
Bafalis	Deeb	Karl	Slade
Barron	de la Parte	Myers	Stone
Barrow	Ducker	Ott	Thomas
Bell	Friday	Plante	Weissenborn
Boyd	Gong	Poston	Wilson
Broxson	Gunter	Saunders	

Nays—3

Lane	Trask	Williams
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On motion by Senator Friday, the rules were waived and time of adjournment was extended until 1:45 p.m.

**SB 204**—A bill to be entitled An act relating to part II of the insurance code; amending section 627.01001(5), Florida Statutes, to provide for attorney fees to an insured or beneficiary of a credit life or credit disability insurance contract; providing an effective date.

Was taken up and read the second time by title.

Senator Deeb offered and moved the following amendment:

In Section 2, line 19, page 1, strike lines 19 and 20 and insert the following:

Section 2. Part II of chapter 627, Florida Statutes, is amended by adding section 627.01022:

627.01022—Premium Rate Filings—Public Hearing—Commissioner to set rates—

(1) Every insurer entering into a contract of insurance as defined in chapter 324, Florida Statutes, (Financial Responsibility) and to residential property policies, (homeowners), shall file with the insurance commissioner and treasurer every manual, minimum, class rate, rating schedule or rating plan and every other rating rule, and every modification of the foregoing which it proposes to use in contracts in the sovereign state of Florida.

(2) Every insurer who seeks or desires a rate change (increase or decrease) or restriction of forms or conditions of coverage shall independently file with the insurance commissioner and treasurer notice of the proposed change or restriction of forms or conditions of coverage; and provided that any rate change or restriction of forms or conditions of coverage shall be filed with the insurance commissioner and treasurer ninety (90) days prior to the proposed effective date of the rate change or restriction of forms or conditions of coverage.

(3) The insurance commissioner and treasurer, upon receipt of such proposed change, shall send a rate examiner to investigate the proposed changes. Thirty (30) days prior to the proposed change the rate examiner shall make his report public record. The report shall state the examiner's findings as to the reasonableness of the proposed change, and it shall contain information in a form which will be meaningful for public inspection. The report shall take into consideration the investment income earned on the loss and unearned premium reserves in determining the reasonableness of the proposed change and such findings shall be incorporated into the examiner's report.

(4) The rate examiner's report shall also contain the "pure premium", which for the purposes of this section is defined as the loss cost per insured unit (the quotient obtained from dividing incurred losses by exposures as reported in the statistical plan approved and adopted by the insurance commissioner and treasurer), for the state for each rating territory and for each classification for the current experience period and the

two (2) immediately preceding experience periods. Acceptable credibility standards may be used.

(5) Within ten (10) days after the rate examiner's report is received, the insurance commissioner and treasurer shall place the rate examiner's report, the proposed change filing by the insured, and any additional information, if any, requested by him on display in his offices for public inspection.

(6) The documents which the insurance commissioner and treasurer has placed on display for public inspection in his offices as provided in subsection (5) shall so remain for fifteen (15) days counting the first day as the tenth day of the review period by the insurance commissioner and treasurer.

(7) The insurance commissioner and treasurer shall give written notice of a public hearing to the insurer that made the filing thirty (30) days prior to hearing. The public hearing shall be held on the last day of the fifteen (15) day public inspection period. The insurance commissioner and treasurer shall also give advance public notice of such hearings on the first day of the public inspection period to all news services having offices or correspondents at Tallahassee.

(8) At the conclusion of the public hearing, the insurance commissioner and treasurer shall decide whether there is sufficient reason to disapprove the proposed change. For the purpose of part II and this section, sufficient reason shall be as defined in section 627.062, Florida Statutes. If the insurance commissioner and treasurer disapproves a proposed change he shall give notice of such disapproval not later than five (5) days after the conclusion of the public hearing to the insurer that made the filing, stating in what respects he finds the filing does not meet the requirements of this chapter. If the insurance commissioner and treasurer determines that there is no reason to disapprove the proposed change he shall give prompt notice thereof to the insurer that made the filing, in which case the proposed change shall become effective upon the ninetieth day from the date of filing.

(9) This section of part II of chapter 627, Florida Statutes, shall prevail over any conflict with Part I of chapter 627, Florida Statutes.

(10) Any such order of the insurance commissioner and treasurer shall be subject to judicial review as provided in section 627.391, Florida Statutes.

Section 3. This act shall take effect July 1, 1970.

On motion by Senator Wilson, further consideration of SB 204 was deferred.

**SB 128**—A bill to be entitled An act relating to trespassers on school property; amending chapter 821, Florida Statutes, by adding section 821.39, making trespassing on school property a misdemeanor; providing an effective date.

Was taken up and read the second time by title.

The Committee on Education offered the following amendment which was adopted on motion by Senator Poston:

In Section 1, line 16 through 21, page 1, strike paragraph 1 and renumber the remaining paragraphs

On motion by Senator Poston, the rules were waived and SB 128 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—36 Nays—None

Mr. President	Deeb	Knopke	Slade
Askew	de la Parte	Lane	Stolzenburg
Bafalis	Ducker	Myers	Stone
Barron	Friday	Ott	Thomas
Barrow	Gong	Plante	Trask
Bell	Gunter	Poston	Weber
Boyd	Haverfield	Saunders	Weissenborn
Broxson	Johnson	Saylor	Williams
Daniel	Karl	Shevin	Wilson

**SB 389**—A bill to be entitled An act relating to insurance; amending chapter 631, Florida Statutes, by adding section 631.010, Florida Statutes, to designate such chapter as "insurers rehabilitation and liquidation act," providing criteria of purpose and construction; amending section 631.011, Florida Statutes, by repealing subsections (1), (2) and (3) thereof and substituting therefor new subsections (1), (2), (3), (4), (5), (6),

and (7) to define "assets," "liabilities," "impairment of surplus," "impairment of capital," "insolvency," "insurer," "delinquency proceedings," and renumbering subsections (4), (5), (6), (7), (8), (9), (10), (11), (12) and (13) as subsections (8), (9), (10), (11), (12), (13), (14), (15), (16) and (17); amending section 631.051, Florida Statutes, by renumbering subsection (4) as (2), amending and renumbering subsection (6) as (3), amending and renumbering subsection (2) as (4), renumbering subsection (3) as (5), adding new subsection (6), amending and renumbering subsection (5) as (7), renumbering subsection (7) as (8), incorporating old subsection (8) in new subsection (4), adding new subsection (9), renumbering subsections (9), (10) and (11) as (10), (11) and (12), adding subsections (13), (14) and (15) to expand and delineate with specificity the grounds for rehabilitation of domestic insurers; amending section 631.061, Florida Statutes, by repealing subsection (1) and adding new subsections (1) and (3) to expand and delineate with specificity grounds for liquidation of insurers; amending section 631.111, Florida Statutes, by amending subsection (1), adding new subsection (2) and renumbering subsection (2) as subsection (3) to authorize the commissioner to marshal the assets and take possession of specified properties of domestic insurers in the order of liquidation; amending subsection (2) of section 631.131, Florida Statutes, to authorize the commissioner to prevent wasting of assets, to marshal assets in a manner not in conflict with rights of domiciliary receiver in order of conservation or ancillary liquidation of foreign or alien insurer; amending subsection (3) of section 631.181, Florida Statutes, to allow receiver to report claims to court after evaluation instead of ten days from receipt of claim; adding sections 631.243, Florida Statutes, specifying conditions for termination or rehabilitation; amending section 631.251, Florida Statutes, relating to the date rights fixed on liquidation with certain exceptions; adding section 631.252, Florida Statutes, to specify conditions governing continuance of coverage; adding section 631.262, Florida Statutes, with respect to fraudulent transfers before petition; adding section 631.263, Florida Statutes, with respect to fraudulent transfers after petition; amending section 631.271, Florida Statutes, by amending subsection (1) to increase compensable claims of employees from five hundred dollars to one thousand dollars and establishing priority of administrative expenses over compensable claims of agents and others; amending section 631.291, Florida Statutes, to condition allowance of certain claims; amending section 631.341, Florida Statutes, to prescribe procedures and imposing penalties relating to notice of insolvency and replacement of coverage to affected insureds; adding section 631.351, Florida Statutes, to authorize summary proceedings and imposing penalties by the commissioner and the court against insurers engaged in an act that would justify delinquency proceedings; adding section 631.361, Florida Statutes, specifying conditions of seizure by the commissioner under court order; adding section 631.371, Florida Statutes, which permits seizure by the commissioner after judicial relief is sought and the court fails to grant an immediate hearing thereon; adding section 631.391, Florida Statutes, to provide criteria of cooperation by insurer's officers and imposing penalties for failure to comply; adding section 631.395, Florida Statutes, to coordinate the receivership with any guaranty fund association; providing an effective date.

Was taken up and read the second time by title.

The Committee on Insurance offered the following amendment which was adopted on motion by Senator Barron:

In Section 11, page 19, strike: lines 12 and 13 and insert the following: actions involving transfers, as contemplated by this section, of real property, securities of any type, and, in the case of all other property or assets, any transfer out of the insurer's ordinary course of business. Any person, firm or corporation, or any

The Committee on Insurance also offered the following amendment which was adopted on motion by Senator Barron:

In Section 5, line 5, page 14, strike "and retained by" and insert the following: premium finance companies or any person otherwise engaged in premium financing,

Senators Myers and Stone offered the following amendment which was adopted on motion by Senator Myers:

In Section 16, lines 5—8, page 29, strike subsection (7) in its entirety.

The vote was:

Yeas—16

Bell	Gong	Saunders	Stone
Deeb	Lane	Sayler	Weber
de la Parte	Myers	Shevin	Weissenborn
Ducker	Plante	Slade	Wilson

Nays—12

Askew	Broxson	Karl	Pope
Barron	Daniel	Knopke	Poston
Barrow	Gunter	Ott	Williams

#### PAIR

The following pair was announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Johnson on the foregoing amendment.

If she were present she would vote "yea" and I would vote "nay."

Alan Trask, 27th district

Senator Barron offered the following amendment which was adopted:

In Section 1, line 3, page 5, following the "public generally" strike: "with minimum interference with the normal prerogatives of proprietors,"

Senator Barron also offered the following amendment which was adopted:

In Section 10, line 4, page 17, strike line 4 and insert the following: or replacement of the policy or contract of coverage with a policy or contract acceptable to the insured by the receiver with another insurer; or

Senator Barron also offered the following amendment which was adopted:

In title, line 15, page 4, following "with any" strike the remainder of title and insert the following: insurance guaranty fund association authorized to operate in this state; providing an effective date.

On motion by Senator Barron, further consideration of SB 389 was deferred, the bill retaining its place on the Calendar.

#### CO-INTRODUCERS

By permission, Senator Sayler was recorded as a co-introducer of SB 775.

By permission, Senators Askew, Beaufort, Stolzenburg, Wilson, Gunter, Shevin and Johnson were recorded as co-introducers of SB 104.

By permission, Senator Deeb was recorded as a co-introducer of SB 389.

By permission, Senator Gong was recorded as a co-introducer of Senate Bills 893 and 894.

Senator Thomas moved that Rule 2.8, as it relates to the presence of a sponsor of a bill at committee meetings, be waived and the Committee on Commerce and Licensed Businesses be permitted to hear and act upon Senate Bills 606 and 705 at its scheduled meeting this day.

Pending consideration thereof, the hour of adjournment having arrived, a point of order was called and the Senate adjourned at 2:01 p.m. to reconvene at 8:30 a.m., Monday, May 4, 1970.